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 7 Bank of America, N.A."

8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 STATE OF CALIFORNIA ex rel. BARRETT  
 11 R. BATES,

12 Plaintiff,

13 v.

14 MORTGAGE ELECTRONIC  
 15 REGISTRATION SYSTEM, INC. *et al.*,  
 16 Defendants.

Case No. 2:10-CV-01429-GEB-CMK

**STIPULATION TO CONTINUE STATUS  
 CONFERENCE AND DEADLINES SET  
 FORTH IN ORDER SETTING STATUS  
 (PRETRIAL SCHEDULING)  
 CONFERENCE; [PROPOSED] ORDER**

Judge: Hon. Garland E. Burrell, Jr.

17 Qui tam Plaintiff Barrett R. Bates ("Plaintiff") and Defendants Bank of America, N.A.  
 18 ("BOA") and Countrywide Home Loans, Inc. nka Bank of America, N.A. ("Countrywide"),  
 19 Mortgage Electronic Registration Systems, Inc. ("MERS"), JPMorgan Chase Bank, N.A.  
 20 ("Chase"), CitiMortgage, Inc. ("CitiMortgage"), GMAC, LLC ("GMAC"), and Wells Fargo  
 21 Bank, N.A. ("Wells Fargo") (collectively, "Defendants") hereby stipulate to and respectfully  
 22 request that the Court (1) continue the status conference currently set for October 18, 2010, and  
 23 (2) continue the deadlines set forth in the Court's Order Setting Status (Pretrial Scheduling)  
 24 Conference filed on June 11, 2010 (Docket No. 4) (the "Order"), until after the Court renders its  
 25 decision on pending motions to dismiss filed by BOA and Countrywide, MERS, and Chase and  
 26 CitiMortgage. As grounds for this Stipulation, the parties submit the following:

27 1. On or about July 17, 2009, Plaintiff initiated this action by filing the complaint  
 28 under seal in state court in Lassen County, California. Plaintiff subsequently filed a First

1 Amended Complaint on or about May 10, 2010, and the action was later removed to this Court.

2 2. On June 11, 2010, the Court set a status (pretrial scheduling) conference for  
3 October 18, 2010 at 9:00 a.m. Order, at 1.

4 3. The Order requires the parties to confer and develop a proposed discovery plan  
5 pursuant to Federal Rule of Civil Procedure 26(f) by September 27, 2010 (at least twenty-one  
6 days before the scheduling conference is held). Order, at 2.

7 4. The Order also requires the parties to file a Joint Status Report with the Court no  
8 later than October 4, 2010 (fourteen days before the scheduling conference is held). Order, at 2.

9 5. On August 19, 2010, BOA and Countrywide (Docket No. 38), MERS (Docket No.  
10 40), and Chase and CitiMortgage (Docket No. 42) respectively filed Motions to Dismiss the First  
11 Amended Complaint.. Chase and CitiMortgage also concurrently joined in the BOA and  
12 Countrywide Motion to Dismiss and MERS Motion to Dismiss. Docket No. 42. On that same  
13 day, GMAC and Wells Fargo each filed a joinder to the BOA and Countrywide Motion to  
14 Dismiss and MERS Motion to Dismiss (Docket Nos. 41 and 43).

15 6. A hearing on the Motions to Dismiss is set for October 12, 2010 at 9:00 a.m.

16 7. The Court's decision on the Motions to Dismiss may result in dismissal of  
17 Plaintiff's claims in the First Amended Complaint. Alternatively, even if the Motions are granted  
18 in part, the Court's decision may limit the remaining claims in the case, and inform the parties as  
19 to the key issues to be examined in discovery. The parties therefore believe that a continuance of  
20 the status conference and deadlines set forth in the Order, until the Court renders its decision on  
21 the Motions to Dismiss, would conserve valuable judicial resources and prevent unnecessary  
22 labor and expense for the parties in this action.

23 The parties therefore stipulate and respectfully jointly request that the Court (1) continue  
24 the status conference currently set for October 18, 2010 at 9:00 a.m., and (2) continue the  
25 deadlines for the parties to confer and develop a proposed discovery plan pursuant to Federal  
26 Rule of Civil Procedure 26(f) and file the joint status report until after the Court rules on the  
27 pending Motions to Dismiss. The pretrial scheduling conference is continued to January 18,  
28 2011, at 9:00 a.m. A joint status report is to be filed fourteen days prior to the hearing.

1 Dated: September 21, 2010

Respectfully submitted,

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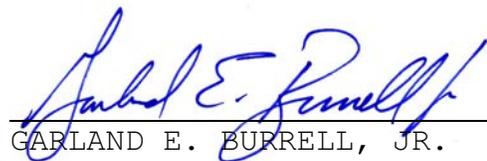
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Attorneys for Wells Fargo Bank, N.A.

**IT IS SO ORDERED.**

**9/24/10**



GARLAND E. BURRELL, JR.  
United States District Judge