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 7 Bank of America, N.A."

8 (Additional counsel on signature pages)

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 10 **UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

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

13 Plaintiff,

14 v.

15 MORTGAGE ELECTRONIC  
 16 REGISTRATION SYSTEM, INC. et al.,

17 Defendants.

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

**STIPULATION TO CONTINUE STATUS  
 CONFERENCE AND JOINT STATUS  
 REPORT; [PROPOSED] ORDER**

Judge: Hon. Garland E. Burrell, Jr.

18 Qui tam Plaintiff Barrett R. Bates ("Plaintiff") and Defendants Bank of America, N.A.  
 19 ("BOA"), Countrywide Home Loans, Inc. nka Bank of America, N.A. ("Countrywide"),  
 20 Mortgage Electronic Registration Systems, Inc. ("MERS"), JPMorgan Chase Bank, N.A.  
 21 ("Chase"), CitiMortgage, Inc. ("CitiMortgage"), GMAC, LLC ("GMAC"), and Wells Fargo  
 22 Bank, N.A. ("Wells Fargo")(collectively, "Defendants")(Plaintiff and Defendants referred to as  
 23 the "Parties") hereby stipulate to and respectfully request that the Court continue the status  
 24 conference currently set for January 18, 2011 at 9:00 a.m. and a joint status report due January 4,  
 25 2011, until after the Court decides various pending motions to dismiss filed by Defendants and a  
 26 pending motion to amend filed by Plaintiff. The Parties respectfully submit that good cause  
 27 exists for the requested relief, and in support state as follows:

28 1. On or about July 17, 2009, Plaintiff initiated this action by filing a complaint under

1 seal in state court in Lassen County, California. Plaintiff subsequently filed a First Amended  
2 Complaint on or about May 10, 2010, and the action was later removed to this Court.

3 2. On June 11, 2010, the Court set a status (pretrial scheduling) conference for  
4 October 18, 2010 at 9:00 a.m. Order Setting Status (Pretrial Scheduling) Conference (June 11,  
5 2010), at pg. 1. The Order required the parties to confer and develop a proposed discovery plan  
6 pursuant to Federal Rule of Civil Procedure 26(f) at least twenty-one days before the scheduling  
7 conference, and to file a Joint Status Report with the Court fourteen days before the scheduling  
8 conference. Id. at 2.

9 3. On August 20, 2010, BOA and Countrywide, MERS, Chase and CitiMortgage  
10 filed motions to dismiss the First Amended Complaint (“Motions to Dismiss”). Dkt. Nos. 38, 40,  
11 42. GMAC and Wells Fargo joined in the motions filed by BOA, Countrywide and MERS. Dkt.  
12 Nos. 41 & 43.

13 4. On September 21, 2010, the Parties submitted a Stipulation requesting that the  
14 Court continue the October 18<sup>th</sup> status conference, as well as the deadlines to confer under Rule  
15 26(f) and file a joint status report, until after its ruling on pending Motions to Dismiss.  
16 “Stipulation to Continue Status Conference and Deadlines Set Forth in Order Setting Status  
17 (Pretrial Scheduling) Conference” (Sept. 21, 2010)(Dkt. No. 47).

18 5. On September 24, 2010, the Court approved the parties’ Stipulation. It set the  
19 status conference for January 18, 2011, at 9:00 a.m., and directed the filing of a joint status report  
20 fourteen days before the conference. Order (Sept. 24, 2010)(Dkt. No. 50) at pg. 2.

21 6. The Defendants’ Motions to Dismiss remain pending as of this date. In addition,  
22 on October 12, 2010, Plaintiff filed a motion seeking leave to file an amended complaint  
23 (“Motion to Amend”). Dkt. No. 68. The Motion to Amend also remains pending.

24 7. In these circumstances, the Parties agree that an additional continuance of the  
25 scheduling conference and the joint status report is warranted. The Motions to Dismiss and the  
26 Motion to Amend have not yet been decided. The Court’s decision on the Motions to Dismiss  
27 may result in dismissal of Plaintiff’s claims in the First Amended Complaint. Alternatively, even  
28 if the Motions to Dismiss are granted in part, the Court’s decision may limit the remaining claims



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The pretrial scheduling conference, currently set for January 18, 2011, is rescheduled for April 11, 2011, at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing.

**IT IS SO ORDERED.**

**1/3/11**

  
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GARLAND E. BURRELL, JR.  
United States District Judge