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VIOLETA B. & EPIFANIO A. DEL VALLE

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15 **UNITED STATES DISTRICT COURT**

16 **EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION**

17
18 VIOLETA B. & EPIFANIO A. DEL VALLE,
19 individuals,

20 Plaintiffs,

21 vs.

22 BANK OF AMERICA, N.A., a Corporation;
DOES 1 through 50, inclusive,

23 Defendants.
24
25

Case No. 2:11-cv-01215-MCE-KJN

**JOINT STIPULATION EXTENDING
DEFENDANT'S TIME TO FILE A
RESPONSIVE PLEADING TO
PLAINTIFFS' COMPLAINT PURSUANT
TO L.R. 143 AND 144; ORDER
THEREON**

Complaint Filed: April 1, 2011
Trial Date: Not Yet Assigned
Judge: Hon. Morrison C.
England, Jr.

JOINT STIPULATION

1
2 Defendant Bank of America, N.A. (“Defendant”) and Plaintiffs Violeta B. and Epifanio A.
3 Del Valle (“Plaintiffs”) by and through their counsel of record, hereby stipulate and agree as
4 follows:

- 5 1. Plaintiffs filed their Complaint in this action on April 1, 2011;
- 6 2. Defendants received notice of this action on April 5, 2011;
- 7 3. Defendants removed this action to the United States District Court, Eastern District on
8 May 5, 2011;
- 9 4. Defendants’ deadline to file a responsive pleading to Plaintiffs’ Complaint has not
10 been set by Order of this Court;
- 11 5. Per Federal Rules of Civil Procedure, Defendants’ original deadline to file a
12 responsive pleading to Plaintiffs’ Complaint was May 12, 2011;
- 13 6. The Parties previously stipulated, and the Court entered an order, to extend
14 Defendant’s deadline to file a responsive pleading to Plaintiffs’ Complaint to September 12, 2011,
15 therefore, there has been a four-month extension of time;
- 16 7. The parties are currently exploring available settlement options, therefore, to continue
17 these negotiations, reduce cost of litigation for both parties, and unburden the Court’s docket,
18 Defendant, by and through its undersigned counsel, requests and Plaintiffs agree, by and through
19 their undersigned counsel, on September 7, 2011, that Defendant’s deadline to file a responsive
20 pleading to Plaintiffs’ Complaint shall be extended by 45-days, to October 27, 2011;
- 21 8. The stipulated extension to file a responsive pleading will not result in prejudice to
22 any party and its impact on judicial proceedings is not expected to be significant.

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1 Nothing in this stipulation shall constitute a waiver of any arguments or defenses that
2 Defendant or Plaintiffs may wish to assert in their pleadings, all of which are expressly reserved.

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4 Dated: September 22, 2011

**LAW OFFICES OF KENNETH R.
GRAHAM**
Kenneth Graham

By: /s/ Kenneth R. Graham
Kenneth R. Graham
Attorneys for Plaintiffs
VIOLETA B. & EPIFANIO A. DEL VALLE

10 Dated: September 22, 2011


BRYAN CAVE LLP
Andrea M. Hicks
Michael J. Peng

By: /s/ Michael J. Peng
Michael J. Peng
Attorneys for Defendant
BANK OF AMERICA, N.A.

17 The Court has previously informed the parties that no further extensions would be
18 granted. Accordingly, the parties' stipulation is rejected and the request for a further
19 extension to file a responsive pleading is DENIED. Defendant shall file a responsive
20 pleading with the court not later than twenty (20) days after this order is filed
21 electronically.

22 **IT IS SO ORDERED.**

23 Dated: September 22, 2011

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE