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5 Attorney for Plaintiff,
6 Alleyne H. Long.

7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO**

10
11 ALLEYNE H. LONG, an individual,

12
13 Plaintiff,

14 v.

15 BANK OF AMERICA, N.A., a
16 National
17 Association, successor in interest to
18 COUNTRYWIDE BANK, a California
19 Corporation; RECONTRUST
20 COMPANY, N.A., a wholly-owned
21 subsidiary of BANK OF AMERICA,
22 N.A.; and all persons or entities
23 unknown claiming any legal or
24 equitable right, title, estate, lien or
25 interest in the property described in this
complaint adverse to Plaintiff's title
thereto, and DOES 1 through 25,
inclusive,

26 Defendants.
27
28

Case No.: 2:12-cv-00542-GEB-CKD

**STIPULATION TO EXTEND TIME
TO FILE PLAINTIFF'S FIRST
AMENDED COMPLAINT OF
RIGHT IN RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT**

Fed. Rule Civ. Proc. Sec. 15(a)(2)

1 Pursuant to Federal Rule of Civil Procedure Sec.15(a)(2), Defendants
2 BANK OF AMERICA, N.A. (“BANA”)¹ and ReconTrust Company, N.A.
3 (“ReconTrust”) (collectively “Defendants”) and Plaintiff ALLEYNE H. LONG
4 (“Plaintiff”), by and through their respective counsel of record, hereby stipulate
5 as follows:

6
7 WHEREAS, Plaintiff served her Complaint for damages (“Complaint”) on
8 January 26, 2012;

9
10 WHEREAS, Defendants filed their Notice of Removal to this Court on
11 February 29, 2012;

12
13 WHEREAS, Defendants filed their Motion to Dismiss Plaintiff’s Complaint
14 on March 7, 2012;

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16 WHEREAS, Plaintiff filed her First Amended Complaint in response to
17 Defendants’ Motion to Dismiss on April 2, 2012, which was untimely under
18 Federal Rule of Civil Procedure Sec.15(a)(1)(B);

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20 WHEREAS, on August 3, 2012, Judge Garland Burrell issued an Order
21

22
23 ¹ Plaintiff lists “Bank of America, N.A., a National Association, successor in interest to
24 Countrywide Bank, a California Corporation” as a Defendant; however, Bank of America, N.A.
25 is not a successor in interest to “Countrywide Bank” and “Countrywide Bank” is not a juridical
26 entity. However, as the original lender on the loans at issue was Countrywide Bank, N.A.,
27 Defendants assume Plaintiff intended to name Countrywide Bank, N.A. Effective March 12,
28 2007, Countrywide Bank, N.A. converted to a federal savings bank under the title of
Countrywide Bank, FSB. Effective April 27, 2009, Countrywide Bank, FSB converted to a
national bank under the title of Countrywide Bank, N.A. and immediately thereafter, merged
with and into Bank of America, N.A. Accordingly, Bank of America, N.A. responds as
successor by merger to Countrywide Bank, N.A.

1 striking Plaintiff's First Amended Complaint because it did not comply with
2 Federal Rule of Civil Procedure Sec. 15(a)(1)(B);

3
4 WHEREAS, a hearing is currently scheduled for April 16, 2012 at 9:00 AM
5 on Defendants' Motion to Dismiss.

6
7 WHEREAS, Plaintiff has requested and Defendants have consented to
8 extend the time for filing Plaintiff's First Amended Complaint as permitted
9 by Federal Rule of Civil Procedure Sec. 15(a)(2);

10
11 WHEREAS, Plaintiff will file her First Amended Complaint within 24 hours
12 of the approval of this Stipulation by order of this court or waive her right to
13 amend;

14
15 WHEREAS, upon filing Plaintiff's First Amended Complaint in
16 accordance with this Stipulation, the hearing on Defendants' Motion to
17 Dismiss previously set for April 16, 2012 will be vacated;

18
19 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the
20 parties, through their respective counsel, that Plaintiff shall file her First
21 Amended Complaint in response to Defendants' Motion to Dismiss within 24
22 hours of approval of this Stipulation by order of this court.
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Dated: April 9, 2012 CONSUMER LITIGATION LAW CENTER, APC

By: /s/ SEPTEMBER J. KATJE .
SEPTEMBER J. KATJE, ESQ.
Attorney for Plaintiff,
Alleyne H. Long

Dated: April 9, 2012 MCGUIREWOODS LLP

By: /s/ PATRICIA L. VICTORY .
PATRICIA L. VICTORY
Attorneys for Defendant,
Bank of America, N.A., and ReconTrust
Company, N.A.

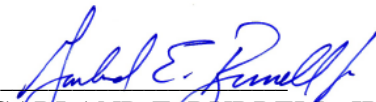
[PROPOSED] ORDER

IT IS HEREBY ORDERED as follows:

1. The Plaintiff is hereby granted an extension of 24 hours from the date of this Order to file her First Amended Complaint in accordance with the stipulation herein. If Plaintiff does not file her First Amended Complaint within 24 hours, she will waive her right to amend her Complaint by right.
2. The Defendants' responsive pleading will be due fourteen (14) days after Plaintiff files her First Amended Complaint in accordance with the Federal Rules of Civil Procedure.
3. The Plaintiff's First Amended Complaint will vacate the hearing set on Defendants' Motion to Dismiss previously set for April 16, 2012 at 9:00 AM, and will cause no prejudice to Defendants.

IT IS SO ORDERED.

Date: 4/10/2012


GARLAND E. BURRELL, JR.
United States District Judge