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7 **Attorneys for Defendants**
CWALT, Inc., Alternative Loan Trust 2006-39CB (erroneously sued as “Alternative Loan Trust
8 2006-39CB”) and The Bank of New York Mellon, as successor to The Bank of New York, as
Trustee for the CWALT, Inc. Alternative Loan Trust 2006-39CB, Mortgage Pass-Through
9 Certificates, Series 2006-39CB (erroneously sued as “Bank of New York Mellon, fka/ Bank of
New York as Trustee for the Alternative Loan Trust 2006-39CB”)
10

11 **IN THE UNITED STATES DISTRICT COURT FOR THE**
12 **EASTERN DISTRICT OF CALIFORNIA**

13 DAVID L. BRINK,

14 Plaintiff,

15 vs.

16 ALTERNATIVE LOAN TRUST 2006-
39CB; BANK OF NEW YORK MELLON,
17 fka/ BANK OF NEW YORK AS TRUSTEE
FOR THE ALTERNATIVE LOAN TRUST
18 2006-39CB, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
19 2006-39CB and DOES 1-10,

20 Defendants.
21

No. 2:13-cv-00862 LKK DAD PS

**JOINT STIPULATION TO CONTINUE
DEFENDANTS CWALT, INC.,
ALTERNATIVE LOAN TRUST 2006-
39CB AND THE BANK OF NEW YORK
MELLON, AS SUCCESSOR TO THE
BANK OF NEW YORK, AS TRUSTEE
FOR THE CWALT, INC.
ALTERNATIVE LOAN TRUST 2006-
39CB, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-39CB’S
TIME TO RESPOND TO COMPLAINT
AND ORDER**

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STIPULATION

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2 Defendants CWALT, Inc., Alternative Loan Trust 2006-39CB and The Bank of New York
3 Mellon, as successor to The Bank of New York, as Trustee for the CWALT, Inc. Alternative Loan
4 Trust 2006-39CB, Mortgage Pass-Through Certificates, Series 2006-39CB (collectively,
5 “Defendants”), by and through their counsel of record and Plaintiff David L. Brink (“Plaintiff”),
6 hereby stipulate and agree as follows:

- 7 1. Plaintiff filed his Complaint in this action on May 2, 2013.
- 8 2. On or around August 10, 2013, Plaintiff mailed process to Defendants’ counsel,
9 including a Waiver of Service of Summons, which defense counsel executed and returned to
10 Plaintiff on August 13, 2013.
- 11 3. Defendants’ deadline to respond to the Complaint is October 9, 2013.
- 12 4. There has been one previous time modification entered in this case when the Court
13 granted Defendants’ request to continue the Initial Status Conference, from September 6, 2013 to
14 November 8, 2013, along with the parties’ respective deadlines for filing status reports.
- 15 5. In order to allow additional time for defense counsel to investigate the facts of this
16 case, allow the parties to engage in good faith settlement negotiations, including a possible loan
17 modification review, allow Plaintiff time to seek leave of Court to file an amended Complaint,
18 reduce the costs of litigation for all parties, and unburden the Court’s docket, Plaintiff and
19 Defendants agree and stipulate that Defendants’ deadline to file a responsive pleading to
20 Plaintiff’s Complaint shall be extended twenty-eight (28) days until and including **November 6,**
21 **2013.**
- 22 6. This stipulated extension will not result in prejudice to any party and its impact on
23 judicial proceedings is not expected to be significant.

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1 7. This change will not alter the date of any event or any deadline already fixed by
2 Court order.

3 **IT IS SO STIPULATED.**

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5 Dated: October 10, 2013

Respectfully submitted,

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7 By: /s/ David L. Brink
8 David L. Brink
9 Pro Per Plaintiff

10
11 Dated: October 10, 2013

Respectfully submitted,

12 **BRYAN CAVE LLP**

13
14 By: /s/ Sharon L. Stewart
15 Sharon L. Stewart
16 Attorneys for Defendants
17 CWALT, INC., ALTERNATIVE LOAN
18 TRUST 2006-39CB and THE BANK OF
19 NEW YORK MELLON, AS SUCCESSOR
20 TO THE BANK OF NEW YORK, AS
21 TRUSTEE FOR THE CWALT, INC.
22 ALTERNATIVE LOAN TRUST 2006-
23 39CB, MORTGAGE PASS-THROUGH
24 CERTIFICATES, SERIES 2006-39CB
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ORDER

Having reviewed the stipulation of Plaintiff David L. Brink and Defendants CWALT, Inc., Alternative Loan Trust 2006-39CB and The Bank of New York Mellon, as successor to The Bank of New York, as Trustee for the CWALT, Inc. Alternative Loan Trust 2006-39CB, Mortgage Pass-Through Certificates, Series 2006-39CB and good cause appearing, the deadline for Defendants to respond to Plaintiff's Complaint is extended to **November 6, 2013**.

IT IS SO ORDERED.

Dated: October 10, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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