1 ALLAN R. FRUMKIN, ESQ. (SBN 50543) LAW OFFICES OF ALLAN R. FRUMKIN, INC. 2 3268 Penryn Road Suite 100 Loomis, CA 95650 3 Telephone: (916) 660-9298 Facsimile: (916) 652-7380 4 5 Attorneys for Plaintiff CHRIS HARRIS 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8 CHRIS HARRIS, Case No. 2:14-CV-01769-JAM-AC 9 Plaintiff. 10 STIPULATION TO EXTEND DEADLINES FOR FILING OF PLAINTIFF'S MOTION 11 vs. TO REMAND AND DEFENDANT'S RESPONSIVE PLEADING; ORDER 12 THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF 13 WASHINGTON D.C., HIS SUCCESSORS AND ASSIGNS; THAO PHAM, an 14 individual; MIGUEL A. UGARTE, an individual; MID VALLEY MORTGAGE 15 SERVICES INC., a California corporation, and DOES 1 through 30, 16 Defendants. 17 18 **BACKGROUND** 19 1. Plaintiff CHRIS HARRIS (herein referred to as "Plaintiff") filed his Verified 20 21 Complaint against Defendant SHAUN DONOVAN as the ACTING SECRETARY OF

- 1. Plaintiff CHRIS HARRIS (herein referred to as "Plaintiff") filed his Verified Complaint against Defendant SHAUN DONOVAN as the ACTING SECRETARY OF HOUSING AND URBAN DEVELOPMENT OF WASHINGTON D.C., HIS SUCCESSORS AND ASSIGNS (herein referred to "Defendant HUD") and others in Placer County Superior Court, California, Case No. SCV0034914.
- 2. Prior to filing an answer or other responsive pleading in the state court action, Defendant HUD filed its Notice of Removal (Docket No. 1) on July 25, 2014 to the United States District Court, Eastern District of California.

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- 3. The parties understand that under 28 U.S.C. §1447(c), a Motion to Remand following removal to federal court must be filed no later than thirty (30) days after the filing of the Notice of Removal. Since Notice of Removal in this case was filed on July 25, 2014, the thirty-day deadline for filing a Motion to Remand falls on Sunday, August 24, 2014. By operation of *Federal Rule of Procedure* ("FRCP") 6(a)(1)(c), the parties understand that in this case, the final day for Plaintiff to file a Motion to Remand is Monday, August 25, 2014.
- 4. The parties further understand that since Defendant HUD has yet to file an answer to Plaintiff's Verified Complaint prior to its removal to federal court, the deadline for Defendant HUD to file an Answer or other responsive pleadings is governed by $FRCP\ 81(c\ (2)(A)-(C)$. For the purposes of calculating this deadline, the parties agree that deadline is twenty-one (21) days after July 25, 2014, or August 15, 2014.
- 5. The parties are currently negotiating in good faith in the hopes that a settlement of the entire action can be reached. To avoid unnecessary of legal expense and use of judicial resources, the parties (through their respective legal counsel) to extend the above-referenced deadlines by twenty-eight (28) days in the hopes that a final settlement can be reached in that time frame.

STIPULATION

Plaintiff and Defendant HUD, through their respective attorneys, hereby stipulate to the entry of an Order providing that:

- 1. The last day for the Plaintiff to file his Motion to Remand shall be extended to September 22, 2014.
- 2. The last day for Defendant HUD to file its Answer or other responsive pleading to the Plaintiff's Verified Complaint shall be extended to September 12, 2014.

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2	Dated: <u>August 12, 2014</u>	LAW OFFICES OF ALLAN R. FRUMKIN, INC.
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4		By: /s/ Allan R. Frumkin
5		Allan R. Frumkin, Esq. Attorney for Plaintiff
6		CHRIS HARRIS
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8	Dated: <u>August 12, 2014</u>	UNITED STATES ATTORNEY'S OFFICE
9		Pyr /s/ Gragory T. Brodariak
10		By: <u>/s/ Gregory T. Broderick</u> Gregory T. Broderick, Esq.
11		Attorney for Defendant SECRETARY OF HOUSING AND
12		URBAN DEVELOPMENT
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14		<u>ORDER</u>
15	IT IS SO ORDERED.	
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17		/s/ John A. Mendez
18		United States District Court Judge
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PROOF OF SERVICE

I am employed by LAW OFFICES OF ALLAN R. FRUMKIN, INC. in the County of Placer, State of California. I am over the age of 18 and not a party to the within action. My business address 3268 Penryn Road. Ste. 100, Loomis, CA 95650. On the signature date below, I served the document, described as:

STIPULATION TO EXTEND DEADLINES FOR FILING OF PLAINTIFF'S MOTION TO REMAND AND DEFENDANT'S RESPONSIVE PLEADING; ORDER

on each interested party in this action, as follows:

Gregory T. Broderick United States Attorney's Office 501 I Street, Suite 10-100 Sacramento, CA 95814 916-554-2780; Fax: 916-554-2900 Email: gregory.broderick@usdoj.gov Attorney for SECRETARY OF HOUSING AND URBAN DEVELOPMENT

X (VIA NOTICE OF ELECTRONIC FILING ["NEF"]) Pursuant to Local Rule 135 (FRCP 5), the document will be served by the Court's CM/ECF system via NEF and hyperlink to the document(s) upon all participants who are registered CM/ECF users in this case.

_____(BY U.S. MAIL) I placed a true copy or original of the document(s) in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Lynes & Associates, Roseville, California. I am readily familiar with Lynes & Associates' practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

_____(BY FACSIMILE) By use of facsimile machine telephone number (510) 845-3016, I served a copy of the within document on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report, which is attached to this proof of service, was properly issued by the transmitting facsimile machine.

_____ (BY OVERNIGHT EXPRESS) I deposited in a box or other facility maintained by Overnight Express delivery service, an express carrier service, or delivered to a courier or driver authorized by said express carrier service to receive documents, a true copy or original of the document(s), in an envelope designated by said express service carrier, with delivery fees paid or provided.

X (FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 12, 2014 /s/ Steven Lynes

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Alameda County Superior Court Case No.