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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **SACRAMENTO DIVISION**

12 VLADIMIR RIVKIN,

13 Plaintiff,

14 v.

15 J.P. MORGAN CHASE, N.A., a New York
association; FAY SERVICING, LLC, a
16 Delaware limited liability company;
ALBERTELLI LAW PARTNERS
17 CALIFORNIA, PA, a California corporation,
and DOES 1 through 10,
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19 Defendants.
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Case No. 2:14-CV-02662-TLN-EFB

STIPULATION TO RESCHEDULE
HEARING OF DEFENDANT JPMORGAN
CHASE BANK, N.A.'S MOTION TO
DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT AND RELATED
DEADLINES, AND ORDER

21 Plaintiff Vladimir Rivkin ("Plaintiff") and Defendant JPMorgan Chase Bank, N.A. ("JPMC"
22 and with Plaintiff, the "Parties"), hereby enter into this Stipulation to Reschedule the Hearing of
23 Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint and to adjust the related
24 pleading deadlines, with reference to the following facts:

25 **RECITALS**

26 A. On or about October 16 2014, Plaintiff commenced an action in the Superior Court
27 for the County of Nevada entitled Rivkin v. JPMorgan Chase Bank, N.A., et al., Case Number
28 TCU14-5931 (the "State Court Action").

1 B. On or around October 23, 2014, Plaintiff served the Summons and First Amended
2 Complaint on JPMC.

3 C. On November 14, 2014, JPMC timely removed the State Court Action to this Court.

4 D. On November 25, 2014, the Parties entered into a stipulation to extend the time for
5 JPMC to respond to the First Amended Complaint to allow the Plaintiff and co-defendant Fay
6 Servicing LLC to engage in discussions regarding the then pending Trustee's Sale and in view of the
7 possibility of Plaintiff filing a second amended complaint.

8 E. On January 8, 2015, Plaintiff filed a request for leave to file a second amended
9 complaint. (Docket No. 21.)

10 F. On January 21, 2015, the Parties entered into a further stipulation to extend the time
11 for JPMC to respond to the First Amended Complaint in view of Plaintiff's pending request for
12 leave to file a second amended complaint. (Docket No. 25.) The Court entered an order approving
13 the Parties' stipulation on January 22, 2015. (Docket No. 26.)

14 G. The Parties then entered into four further stipulations to extend the time for JPMC to
15 respond to the First Amended Complaint in view of Plaintiff's pending request for leave to file a
16 second amended complaint and their ongoing settlement discussions. (Docket Nos. 27, 31, 36 & 38.)
17 The Court entered orders approving the Parties' stipulations. (Docket Nos. 28, 32, 37, & 39.)

18 H. On September 3, 2015, JPMC filed a motion to dismiss the First Amended Complaint
19 (the "Motion"). (Docket. No. 40).

20 I. The Court took the Motion under submission on October 6, 2015. (Docket No. 45).

21 J. In late August of 2016, the primary attorney handling this matter for JPMC, Joseph
22 Quattrocchi, passed away.

23 K. On October 18, 2016, the Court granted the Motion but permitted Plaintiff to file an
24 amended complaint.

25 L. On October 31, 2016, Plaintiff filed a Second Amended Complaint.

26 M. To provide new counsel for JPMC sufficient time to review the matter and prepare a
27 response to the Second Amended Complaint, the Parties agreed to extend JPMC's deadline for
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responding to the Second Amended Complaint up to and including December 9, 2016.

N. JPMC responded to the Second Amended Complaint on December 7, 2016, by filing a Motion to Dismiss, and set a hearing date of January 12, 2017. This hearing date required Plaintiff to file opposition on December 29, 2016.

O. To allow Plaintiff adequate time to prepare a response to JPMC’s Motion to Dismiss, the Parties have agreed to continue the hearing to February 9, 2017, and to extend Plaintiff’s deadline for filing an Opposition to January 26, 2017.

IT IS THEREFORE STIPULATED that the hearing of JPMC’s Motion to Dismiss is continued to February 9, 2017, at 2:00 p.m., and Plaintiff shall have up to and including January 26, 2017 to file his opposition thereto.

RIVKIN FIRM

By: /s/ Pamela M. Schuur
Pamela M. Schuur

Attorneys for Plaintiff
VLADIMIR RIVKIN

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MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Joseph Duffy

as authorized on December 30, 2016)

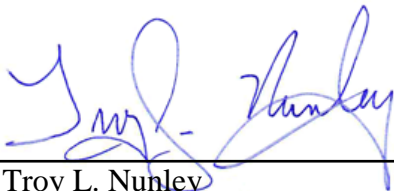
Joseph Duffy
Joseph Bias

Attorneys for Defendant
JPMORGAN CHASE BANK, N.A.

ORDER

IT IS SO ORDERED.

Dated: January 3, 2017



Troy L. Nunley
United States District Judge