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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

LAWRENCE P. MONTEFORTE,  
MICHELLE R. MONTEFORTE, EN K CU  
AND SEN VAN NGUYEN,

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON  
TRUST COMPANY NA F/K/A THE BANK  
OF NEW YORK TRUST COMPANY NA AS  
SUCCESSOR IN INTEREST TO JP  
MORGAN CHASE BANK NA AS TRUSTEE  
FOR MASTR ADJUSTABLE RATE  
MORTGAGES TRUST 2005-1, MORTGAGE  
PASS-THROUGH CERTIFICATES SERIES  
2005-1; CLEAR RECON CORP., WELLS  
FARGO BANK, N.A.; AND DOES 1-100,  
INCLUSIVE

Defendants.

) CASE No: 2:16-CV-01675-WBS-EFB

)  
) STIPULATION AND ORDER TO EXTEND  
) THE TIME PLAINTIFF HAS TO RESPOND  
) TO THE MOTION TO DISMISS AND TO  
) CONTINUE THE HEARING DATE

) **JURY TRIAL DEMANDED.**

COMES NOW the Plaintiffs, LAWRENCE P. MONTEFORTE, MICHELLE R.  
MONTEFORTE, EN K CU and SEN VAN NGUYEN, and Defendants, and Stipulate as follows:

WHEREFORE: Plaintiff's counsel Michael Yesk was attacked by a dog on July 24, 2016  
and was on Medical Leave with cellulitis (The term cellulitis is commonly used to indicate a  
nonnecrotizing inflammation of the skin and subcutaneous tissues, usually from acute infection)  
until August 9, 2016;

STIPULATION AND ORDER TO EXTEND THE TIME PLAINTIFF HAS TO RESPOND TO  
THE MOTION TO DISMISS AND TO CONTINUE THE HEARING DATE - 1

1 This Action was removed to Federal Court and the Motion to Dismiss filed while Mr.  
2 Yesk was on Medical Leave, and the Motion was inadvertently not calendared, so the deadline to  
3 file an Opposition passed without Plaintiff being aware of the deadline;

4 THEREFORE, the parties hereby Stipulate as follows:

5 Plaintiff's Opposition will be filed by Monday, September 19, 2016.

6 Defendant's Reply Brief will be due Monday, September 26, 2016.

7 The Hearing shall be continued until October 3, 2016 at 1:30pm in the same Courtroom.

8 DATED: August 24 2016

WOLFE & WYMAN LLP

By: /s/JOSHUA M BRYAN

BRIAN H. GUNN

JOSHUA M. BRYAN

Attorneys for Defendant

THE BANK OF NEW YORK TRUST

COMPANY N/A F/K/A THE BANK OF NEW

YORK TRUST COMPANY NA SUCCESSOR

IN INTEREST TO JP MORGAN CHASE

BANK NA AS TRUSTEE FOR MASTR

ADJUSTABLE RATE MORTGAGES TRUST

2005-I, MORTGAGE PASS-THROUGH

CERTIFICATE SERIES 2005-I; WELLS

FARGO BANK, N.A.

18 DATED: August 24, 2016

/s/ Michael Yesk

Michael Yesk

Attorney for Plaintiffs

70 Doray Drive, Suite 16

Pleasant Hill, CA 94523

925-849-5525

22 IT IS SO ORDERED.

23 Dated: August 26, 2016



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE