

1 Jane Luciano Esq.
 2 California State Bar Number 124263
 3 9000 Crow Canyon Road Suite S#168
 4 Danville, CA 94506
 (925) 216-6030
jane-luciano@comcast.net

5 Attorney for Mary Scherbak

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7 UNITED STATES DISTRICT COURT

8 EASTERN DISTRICT OF CALIFORNIA—SACRAMENTO DIVISION
9

10
11 MARY K. SCHERBAK,

12 Plaintiff

13
14 v.

Case No. 17-cv-01521

15 THE WOLF LAW FIRM, a California partnership
 16 SELECT PORTFOLIO SERVICING,
 a Utah corporation
 17 WELLS FARGO BANK,
 18 a nationally banking association
 19 BLACK AND WHITE INDIVIDUAL
 20 DOE DEFENDANTS 1-10
 BLACK AND WHITE CORPORATE
 21 DOE DEFENDANTS 1-10

JOINT STIPULATION TO ALLOW
 FILING OF SECOND AMENDED
 COMPLAINT PURSUANT TO
 FRCP 15 (a) (2) AND IN LIEU OF
 PLAINTIFF’S OPPOSITION TO
 DEFENDANTS’ MOTION TO
 DISMISS

22 Defendants
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1 STIPULATION TO ALLOW THE FILING OF THE SECOND AMENDED COMPLAINT
2 PURUSANT TO FRCP 15 (a) (2) AND IN LIEU OF THE FILING OF PLAINTIFF'S
3 OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

4 This stipulation is entered into by the undersigned counsel for Plaintiff Mary K. Scherbak
5 ('Plaintiff'), the undersigned counsel for Defendants Select Portfolio Servicing Inc. ('SPS') and
6 Wells Fargo Bank, N.A. as Trustee, for the Certificate Holders of Asset-Backed Pass-Through
7 Certificates, Series 2004-WCW2 ("the Trust") and hereinafter referred to collectively as the
8 ("Parties'). Defendant Bank of America has been dismissed.

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10 Defendants have filed a FRCP 12 (b) Motion to Dismiss Plaintiff's First Amended
11 Complaint, which is set for hearing on March 13, 2018. The Parties have reached a stipulation to
12 allow Plaintiff to file her Second Amended Complaint pursuant to FRCP 15 (a) (2). Said Second
13 Amended Complaint shall be filed in lieu of Plaintiff filing an Opposition to Defendants FRCP
14 12 (b) Motion to Dismiss.

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16 The Parties further stipulate that the Second Amended Complaint will be filed and served
17 within 7 days of the receipt of the executed Court Order. Defendants' responsive pleading shall
18 be filed and served within 30 days of the service of the Second Amended Complaint.

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21 IT IS HEREBY STIPULATED.
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DATED: February 20, 2018

BY: /s/Jane Luciano/s/
JANE LUCIANO
Attorney for Plaintiff

DATED: February 20, 2018

BY: /s/Tiffanie C. De La Riva/s/
THOMAS A. WOOD
TIFFANIE C. DE LA RIVA
Attorneys for Defendants
Select Portfolio Servicing, Inc.; Wells
Fargo Bank, N.A., as Trustee, for Certificate Holders
of Asset-Backed Pass-Through Certificates,
Series 2004-WCW2

ORDER

Pursuant to FRCP 15 (a) (2) and the terms of the foregoing Stipulation, Plaintiff shall file and serve the Second Amended Complaint within 7 days of receipt of the executed Order in lieu of filing an Opposition to Defendants pending FRCP 12 (b) Motion to Dismiss. Defendants' responsive pleading shall be filed and served within 30 days of service of the Second Amended Complaint.

IT IS SO ORDERED:

Dated: 2/20/2018

/s/ John A. Mendez
U. S. DISTRICT COURT JUDGE