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21
 22 **UNITED STATES DISTRICT COURT**
 23 **NORTHERN DISTRICT OF CALIFORNIA**

24 JUAN MURILLO aka JUAN MANUEL) **Case No: C07-02199 MEJ**
 MURILLO; MARIA MURILLO aka MARIA)
 25 JUDITH MURILLO; MARTHA JIMENEZ;)
 AMALIA RIOS aka AMALIA GALVAN RIOS;) **ALL PLAINTIFFS AND DEFENDANTS**
 26 and MARIA MUÑOZ,) **FIRST FEDERAL MORTGAGE BANKERS,**
) **INC., RAM CAPITAL CORP. dba**
 27) **CITYWIDE PROPERTIES, BOBBY RAY**

28 Murillo, et al. v. Cervantes, et al. – (Case no. C07-02199 MEJ) - ALL PLAINTIFFS AND DEFENDANTS FIRST FEDERAL
 MORTGAGE BANKERS, INC., RAM CAPITAL CORP. dba CITYWIDE PROPERTIES, BOBBY RAY LEE, FRANCISCO
 CERVANTES, TERESA DIAZ’S JOINT STIPULATION SEEKING RELIEF FROM 1/20/10 & 1/22/10 ORDERS RE;
 [PROPOSED] AMENDED ORDER

| | | | |
|----|-------------------------------------|---|--|
| 1 | |) | LEE, FRANCISCO CERVANTES, TERESA |
| | Plaintiffs, |) | DIAZ'S JOINT STIPULATION SEEKING |
| 2 | vs. |) | RELIEF FROM 1/20/10 & 1/22/10 ORDERS; |
| | |) | [PROPOSED] AMENDED ORDER |
| 3 | |) | |
| | FRANCISCO CERVANTES; TERESA DIAZ; |) | |
| 4 | BOBBY RAY LEE; FIRST FEDERAL |) | |
| | MORTGAGE BANKERS, INC. dba CITYWIDE |) | |
| 5 | PROPERTIES dba CITYWIDE HOME LOANS |) | |
| | dba RAM CAPITAL CORP.; HAROLD |) | |
| 6 | BLANCO; EAGLE LITERACY GROUP, INC.; |) | |
| | NEW CENTURY MORTGAGE CORP.; WELLS |) | |
| 7 | FARGO BANK, NA.; CHASE HOME |) | |
| | FINANCE, LLC, OCWEN LOAN SERVICING, |) | |
| 8 | LLC and DOES 1-100, |) | |
| 9 | |) | |
| | Defendants. |) | |
| 10 | |) | |
| 11 | |) | |

The signatories below, who are parties to the above-entitled action, submit this Joint Stipulation Seeking Relief from the Order issued by the Court on January 22, 2010 requesting that the parties file a joint status report by January 27, 2010.

The parties to this action and their attorneys of record who are the signatories below are specifically:

Plaintiffs Juan Murillo, Maria Murillo, Martha Jimenez, Amalia Rios and Maria Muñoz (“Plaintiffs”) as represented by attorney Heidi M. Li and Matthew J. Webb of The Law Offices of Matthew J. Webb; and defendants Bobby Ray Lee, RAM Capital Corporation dba Citywide Properties, Francisco Cervantes, and Teresa Diaz as represented by attorneys B. Edward McCutchan, Jr. and Michael Maloney of Sunderland & McCutchan, LLP and defendant First Federal Mortgage Bankers, Inc. dba Citywide Home Loans as represented by attorneys L. Jay Pedersen and Jeffrey Vi Ta of Bledsoe, Cathcart, et al., LLP. Collectively, the foregoing parties are referred to herein-below as “The Parties.”

WHEREAS, on November 25, 2010, the parties hereto filed with this court a Joint Status Report requesting that they be allowed to file a follow-up Joint Status Report and an accompanying Stipulation and [Proposed] Amended Case Management Order on or before January 15, 2010 subject to the court’s ordered approval of said Joint Status Report.

Murillo, et al. v. Cervantes, et al. – (Case no. C07-02199 MEJ) - ALL PLAINTIFFS AND DEFENDANTS FIRST FEDERAL MORTGAGE BANKERS, INC., RAM CAPITAL CORP. dba CITYWIDE PROPERTIES, BOBBY RAY LEE, FRANCISCO CERVANTES, TERESA DIAZ’S JOINT STIPULATION SEEKING RELIEF FROM 1/20/10 & 1/22/10 ORDERS RE; [PROPOSED] AMENDED ORDER

1 WHEREAS, on December 2, 2010, this Court in response ordered and approved this November
2 25, 2009 filing request by the parties.

3 WHEREAS, on January 20, 2010, this Court issued an Order ordering the parties to file a Joint
4 Status Report by January 27, 2010, including any request for a referral to Magistrate Judge Larson for
5 a Settlement Conference.

6 WHEREAS, on January 22, 2010, this Court issued a follow-up Order vacating all pretrial and
7 trial deadlines and hearings, stating that, if necessary, after receipt of the parties' next Joint Status
8 Report, the Court shall schedule a case management conference for purposes of scheduling a trial and
9 other case management deadlines.

10 WHEREAS, since the August 2009, Settlement Conference hearing before Magistrate Judge
11 Larson, the parties have been engaged in good faith settlement negotiations and further discovery in
12 this proceeding but, to date, have not yet completed yet all needed discovery in this action nor
13 achieved settlement among the remaining parties to this action.

14 WHEREAS, the Parties through their respective counsel would like to proceed forward, at this
15 time, with further needed discovery in this action and to engage also in continued good faith settlement
16 negotiations but will require additional time to prepare and file an updated Joint Status Report and
17 proposed Amended Case Management Scheduling Order.

18 WHEREAS, plaintiffs counsel in this action through filing of this Stipulation and also a
19 separate concurrent filing of a Notice of Unavailability informs the remaining parties and this Court
20 that said counsel will be unavailable from January 28, 2010 through February 8, 2010 and requests that
21 any new Orders for attendance at hearings, depositions, mediations, settlement conference hearings,
22 other proceedings and for any compliance with Orders issued by this Court including to file a Joint
23 Status Report be required to take place after February 8, 2010.

24 WHEREAS, for the reasons stated above, the parties seeks an Order from this Court for relief
25 from the current January 20 and 22, 2010 Orders and request that this Court grant the parties additional
26 time up until February 15, 2010 to comply with the aforesaid Orders.

27 WHEREAS, the Court's granting of this stipulated request from the parties is necessary
28 presently in order to allow plaintiffs and all remaining defendants who have appeared in this

**Murillo, et al. v. Cervantes, et al. – (Case no. C07-02199 MEJ) - ALL PLAINTIFFS AND DEFENDANTS FIRST FEDERAL
MORTGAGE BANKERS, INC., RAM CAPITAL CORP. dba CITYWIDE PROPERTIES, BOBBY RAY LEE, FRANCISCO
CERVANTES, TERESA DIAZ'S JOINT STIPULATION SEEKING RELIEF FROM 1/20/10 & 1/22/10 ORDERS RE;
[PROPOSED] AMENDED ORDER**

1 proceeding full and fair opportunity to jointly comply with ADR, and other joint Case Management
2 Order requirements; and

3 WHEREAS, Good cause exists based on the reasons stated herein to approve this Stipulation.

4 //

5 //

6 Respectfully Submitted,

7 Dated: January 27, 2010

8 THE LAW OFFICES OF MATTHEW J. WEBB

9

/S/

10 Heidi Li
11 Attorneys for all Plaintiffs

12 Dated: January 27, 2010

13 SUNDERLAND & McCUTCHAN

14

/S/

15 B. Edward McCutchan, Jr., Esq.
16 Michael Maloney, Esq.
17 Attorneys for Defendants: BOBBY RAY LEE;
18 RAM CAPITAL CORP. dba CITYWIDE PROPERTIES,
19 FRANCISCO CERVANTES and TERESA DIAZ

20 Dated: January 27, 2010

21 BLEDSOE, CATHCART, ET AL., TREPPA LLP

22

/S/

23 L. Jay Pedersen, Esq
24 Jeffrey V. Ta, Esq.
25 Attorneys for Defendant
26 FIRST FEDERAL MORTGAGE BANKERS, INC. dba
27 CITYWIDE HOME LOANS

28 **Murillo, et al. v. Cervantes, et al. – (Case no. C07-02199 MEJ) - ALL PLAINTIFFS AND DEFENDANTS FIRST FEDERAL MORTGAGE BANKERS, INC., RAM CAPITAL CORP. dba CITYWIDE PROPERTIES, BOBBY RAY LEE, FRANCISCO CERVANTES, TERESA DIAZ'S JOINT STIPULATION SEEKING RELIEF FROM 1/20/10 & 1/22/10 ORDERS RE; [PROPOSED] AMENDED ORDER**

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SIGNATURE ATTESTATION

As the attorney e-filing this document with the court, I hereby attest that I have on file all holograph signatures for any and all signatures indicated by a “conformed” signature (/S/) within this efiled document.

Dated: January 27, 2010

THE LAW OFFICES OF MATTHEW J. WEBB

By: _____
_____ /S/ _____

Heidi Li
Attorneys for Plaintiffs

1 **ORDER**

2 The Court has reviewed the plaintiffs and defendants Bobby Ray Lee, RAM Capital
3 Corporation dba Citywide Properties, Francisco Cervantes, and Teresa Diaz and First Federal
4 Mortgage Bankers, Inc.'s Stipulation Seeking Relief from the court's current Orders issued on January
5 20 and 22, 2010; and [Proposed] Order,
6

7 PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the plaintiffs and
8 defendants be granted relief from the court's current January 20 and 22, 2010 Orders and the Court
9 heretofore issues a new Order in this proceeding allowing the parties to this action additional time up
10 until February 15, 2010 to comply with these Orders.

11 IT IS SO ORDERED this 28th day of January, 2010.

12
13 
14 _____
15 **Honorable Maria Elena James:**
16 United States District Court
17 Magistrate Judge