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 9 and ReconTrust Company, N.A.

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

11 RICARDO MARCELOS,) Case No.: CV 08 0056 WHA
)
12 Plaintiff,) STIPULATION AND PROPOSED ORDER
) RE RESPONSIVE PLEADING BY
13 vs.) COUNTRYWIDE HOME LOANS, INC.
) AND RECONTRUST COMPANY, N.A.
14 EDWIN MAURICIO PARADA)
15 DOMINGUEZ, GLENDA PARADA,) Courtroom: 9
16 LORENZO PARADA, VIKI RAAB,) Judge: Honorable William H. Alsup
COUNTRYWIDE HOME LOANS, ARGENT)
17 MORTGAGE COMPANY, LLC,) [Declaration of David A. Brooks Filed
18 PRIMESTAR FINANCIAL SERVICES,) Concurrently]
19 SHOAIB MAHMUD, FINANCIAL TITLE)
COMPANY, NEW CENTRUY TITLE)
20 COMPANY, RECONTRUST COMPANY,)
N.A. AND DOES 1 through 100,)
)
21 Defendants.)
)

22
 23
 24 The purpose of this stipulation and [proposed] order is to establish a responsive pleading
 25 due date for ReconTrust Company, N.A. ("RT") and Countrywide Home Loans, Inc.
 26 ("Countrywide") in response to Ricardo Marcelos' ("Marecelos") complaint.

27 As of the date of this stipulation, service has not been effectuated on RT. RT and
 28 Marcelos stipulate that service is deemed effective on RT as of the date of this stipulation, and


1 that RT's responsive pleading shall be filed by February 11, 2008.

2 Marcelos and RT further stipulate that Countrywide's responsive pleading shall be filed
3 by February 11, 2008. The parties in this regard recognize that the court's January 22, 2008
4 order stated, in part, that "[a]ll defendants are to respond with an answer or motion to dismiss
5 within 20 days of the service of the complaint and summons, which plaintiff represented was to
6 occur on January 7, 2008." This requested additional time may result in the resolution of certain
7 issues, as it would further recent discussions between the parties concerning the basis for
8 Marcelos' rescission request, as well as Countrywide's request to Marcelos' counsel to review
9 the complaint as to the necessity of maintaining causes of action against Countrywide including
10 those for violations of RESPA, the Fair Housing Act, Equal Credit Opportunity Act, California
11 Civil Code section 1632, fraud and deceit, and California Business and Professions Code section
12 17200 violations. In the event these causes of action are not dismissed, Countrywide expects to
13 file a motion to dismiss.

14 IT IS SO STIPULATED.

15
16 DATED: January 25, 2008

By: _____


MICHAEL E. HALE
Attorneys for Plaintiff
Ricardo Marcelos

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19
20
21 DATED: January ____, 2008

By: _____

DAVID A. BROOKS
Attorneys for Defendants
Countrywide Home Loans, Inc. and
ReconTrust Company, N.A. .

22
23
24 [PROPOSED] ORDER

25
26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 DATED:

By: _____

HONORABLE WILLIAM H. ALSUP

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3 by February 11, 2008. The parties in this regard recognize that the court's January 22, 2008
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11 Civil Code section 1632, fraud and deceit, and California Business and Professions Code section
12 17200 violations. In the event these causes of action are not dismissed, Countrywide expects to
13 file a motion to dismiss.

14 IT IS SO STIPULATED.

15
16 DATED: January ___, 2008

By: _____
MICHAEL E. HALE
Attorneys for Plaintiff
Ricardo Marcelos

17
18
19
20
21 DATED: January 25, 2008

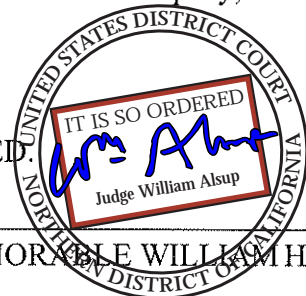
By: DAVID A. BROOKS
DAVID A. BROOKS
Attorneys for Defendants
Countrywide Home Loans, Inc. and
ReconTrust Company, N.A.

22
23
24
25 PROPOSED ORDER

26 PURSUANT TO STIPULATION, IT IS SO ORDERED.

27 DATED: February 6, 2008.

By: _____
HONORABLE WILLIAM H. ALSUP



PROOF OF SERVICE

(C.C.P. section 1013a(3))

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is 5220 Las Virgenes Road, MS: AC-11, Calabasas, California 91302.

On January 25, 2008, I served STIPULATION AND [PROPOSED] ORDER on all interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Martin D. Murphy Community Legal Services in East Palo Alto
Liuzzi, Murphy & Solomon, LLP Shirley Hochhausen
101 Montgomery Street, 27th Floor 2117(b) University Avenue
San Francisco, CA 94101 East Palo Alto, CA 94303

(BY MAIL) On January 25, 2008, I placed said envelopes for collection and mailing, following ordinary business practices, at the business offices of Countrywide Home Loans, Inc., at the address set forth above, for deposit in the United States Postal Service. I am readily familiar with the practice of Countrywide Home Loans, Inc. for collection and processing of correspondence for mailing with the United States Postal Service, and said envelopes will be deposited with the United States Postal Service on said date in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY OVERNIGHT DELIVERY) On January ____, 2008, I placed said envelopes for collection and mailing, following ordinary business practices, at the business offices of Countrywide Home Loans, Inc., at the address set forth above, for deposit with Federal Express with delivery fees provided. I am readily familiar with the practice of Countrywide Home Loans, Inc. for collection and processing of correspondence for mailing with Federal Express, and said envelopes will be deposited with Federal Express on said date in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

(BY HAND DELIVERY)

(BY FACSIMILE) On January ____, 2008, by use of facsimile machine number 818-871-4669, I served a copy of the within document(s) on the above interested parties at the facsimile numbers as indicated. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California, that the above is true and correct. Executed on January 25, 2008, at Calabasas, California.


Desiree Rais