

1 Mary J. Hackett (appearing *pro hac vice*)  
 mhackett@reedsmith.com  
 2 K. Issac deVyver (appearing *pro hac vice*)  
 kdevyver@reedsmith.com  
 3 Jarrod Shaw (appearing *pro hac vice*)  
 jshaw@reedsmith.com  
 4 REED SMITH LLP  
 225 Fifth Avenue  
 5 Pittsburgh, PA 15222  
 Telephone: +1 412 288 3131  
 6 Facsimile: +1 412 288 3063

7 Benjamin Spohn (SBN 266746)  
 bspohn@reedsmith.com  
 8 REED SMITH LLP  
 101 Second Street, Suite 1800  
 9 San Francisco, CA 94105-3659  
 Telephone: +1 415 543 8700  
 10 Facsimile: +1 415 391 8269

11 Attorneys for Defendant  
 Bank of America Corporation

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ELLEN STOODY-BROSER, An Individual,  
 15 Individually And On Behalf Of All Others  
 Similarly Situated,

16 Plaintiff,

17 vs.

18 BANK OF AMERICA, N.A. and BANK OF  
 19 AMERICA CORPORATION,

20 Defendants.

Case No.CV 08 2705 JSW

**STIPULATION FOR DEFENDANTS BANK  
 OF AMERICA, N.A AND BANK OF  
 AMERICA CORPORATION TO FILE  
 AMENDED ANSWERS AND  
 AFFIRMATIVE DEFENSES; [PROPOSED]  
 ORDER**

Compl. Filed: May 29, 2008  
 Trial Date: August 18, 2014

*Honorable Jeffrey S. White*

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1 Plaintiff Ellen Stoody-Broser and Defendants Bank of America, N.A. and Bank of America  
2 Corporation, with good cause, respectfully file this Joint Stipulation and [Proposed] Order and  
3 hereby stipulate as follows:

4 WHEREAS, on June 13, 2012, Defendants Bank of America, N.A. and Bank of America  
5 Corporation filed their respective answers to the amended complaint. (Dkt. Nos. 164 and 165);

6 WHEREAS, on March 1, 2013, the Court held a Case Management Conference and  
7 thereafter issued an Order Scheduling Trial and Pretrial Matters. (Dkt. No. 206);

8 WHEREAS, Defendants desire to amend their respective answers to include an additional  
9 affirmative defense providing that Plaintiff's claims are barred by the doctrines of release and  
10 discharge;

11 WHEREAS, on March 1, 2013, Defendants requested Plaintiff Ellen Stoody-Broser's  
12 consent to amend Defendants' Answers to include the above-referenced affirmative defense;

13 WHEREAS, on March 5, 2013, Plaintiff Ellen-Stoody indicated her willingness to stipulate  
14 to the amendment of Defendants' Answers;

15 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiff Ellen Stoody-  
16 Broser, through this stipulation, provides her written consent that Defendants Bank of America, N.A.  
17 and Bank of America Corporation may amend their respective Answers to Plaintiff's Amended  
18 Complaint to include an additional affirmative defense and related exhibit;

19 WHEREFORE IT IS HEREBY STIPULATED BY THE PARTIES HERETO that  
20 Defendants Bank of America, N.A. and Bank of America Corporation may file amended answers  
21 within seven (7) days of the Court's entry of the attached order.  
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1 **IT IS SO STIPULATED.**

2 DATED: March 14, 2013

**COTCHETT, PITRE & McCARTHY, LLP**

3 By:           /s/ Eric J. Buescher          

4 NIALL P. McCARTHY  
5 ANNE MARIE MURPHY  
6 ERIC J. BUESCHER

7 **MINAMI TAMAKI, LLP**

8 DEREK G. HOWARD  
9 KEVIN R. ALLEN

10 **McTIGUE LAW LLP**

11 J. BRIAN McTIGUE

12 *Attorneys for Plaintiff and the Putative Class*

13 **REED SMITH, LLP**

14 By:           /s/ Mary J. Hackett          

15 MARY J. HACKETT

16 *Attorneys for Defendants Bank of America, N.A. and*  
17 *Bank of America Corporation*

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**[PROPOSED] ORDER**

**PURSUANT TO STIPULATION, IT IS ORDERED** that Defendants Bank of America, N.A. and Bank of America Corporation are granted leave to file their amended answers and shall file the same within seven (7) days of entry of this order.

March 18, 2013

DATED: ~~March 14, 2013~~



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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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