

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NIALL P. McCARTHY (SBN 160175)
nmccarthy@cpmlegal.com
ANNE MARIE MURPHY (SBN 202540)
amurphy@cpmlegal.com
ERIC J. BUESCHER (SBN 271323)
ebuescher@cpmlegal.com
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road
Burlingame, CA 94010
Tel: (650) 697-6000 / Fax: (650) 692-3606

DEREK G. HOWARD (SBN 118082)
dhoward@mandhllp.com
KEVIN R. ALLEN (SBN 237994)
kallen@minamitamaki.com
MINAMI TAMAKI, LLP
360 Post Street, 8th Floor
San Francisco, CA 94108
Tel: (415) 788-9000 / Fax: (415) 398-3887

J. BRIAN McTIGUE (SBN 87224)
bmctigue@mctiguelaw.com
McTIGUE LAW LLP
4530 Wisconsin Avenue, NW, Suite 300
Washington, DC 20016
Tel: (202) 364-6900 / Fax: (202) 364-9960

Attorneys for Plaintiffs

MARY J. HACKETT (appearing *pro hac vice*)
mhackett@reedsmith.com
SHARON L. RUSNAK (appearing *pro hac vice*)
srusnak@reedsmith.com
REED SMITH LLP
225 Fifth Avenue
Pittsburgh, PA 15222
Tel: (412) 288-3131 / Fax: (412) 288-3063

DAVID C. POWELL (SBN 129781)
dpowell@reedsmith.com
DAVID S. REIDY (SBN 225904)
dreidy@reedsmith.com
REED SMITH LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111
Tel: (415) 543-8700 / Fax: (415) 391-8269

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERNDISTRICT OF CALIFORNIA

ELLEN STOODY-BROSER, an individual,
Individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

**BANK OF AMERICA, N.A. and BANK OF
AMERICA CORPORATION,**

Defendants.

Case No. 3:08-cv-02705-JSW

CLASS ACTION

**JOINT STIPULATION TO AMEND
BRIEFING SCHEDULE ON DEFENDANT
BANK OF AMERICA, N.A.'S MOTION
FOR JUDGMENT ON THE PLEADINGS;
[PROPOSED] ORDER**

Hearing on Motion for Judgment on Pleadings

Date: June 14, 2013
Time: 9:00 a.m.
Courtroom: 11
Judge: Hon. Jeffrey S. White

**JOINT STIPULATION TO AMEND BRIEFING SCHEDULE ON DEFENDANT BANK OF
AMERICA, N.A.'S MOTION FOR JUDGMENT ON THE PLEADINGS; [PROPOSED] ORDER;**

Case No. 3:08-cv-02705-JSW

JOINT STIPULATION

1
2 Plaintiff Ellen Stoody-Broser and Defendants Bank of America Corporation (“BAC”) and
3 Bank of America, N.A. (“BANA”) (collectively, “Defendants”), for good cause appearing,
4 respectfully file this joint stipulation to amend the briefing schedule on BANA’s Federal Rule of
5 Civil Procedure 12(c) Motion for Judgment on the Pleadings (“Motion”).

6 1. BANA filed the Motion on April 23, 2013, *see* Docket No. 215, and noticed the
7 Motion to be heard on June 14, 2013 at 9:00 a.m.

8 2. Plaintiff’s Opposition to the Motion is currently due on May 7, 2013. See Local
9 Rule 7-3(a). BANA’s Reply in support of the Motion is currently due on May 14, 2013. See
10 Local Rule 7-3(c).

11 3. Counsel for Plaintiff, Cotchett Pitre & McCarthy, LLP, is preparing for trial
12 beginning May 14, 2013 in the Central District of California, and has mediation scheduled for the
13 week of May 6, 2013 in another lawsuit.

14 4. Accordingly, the parties submit that good cause exists for granting Plaintiff a two
15 week extension of time to file her Opposition brief, until May 21, 2013.

16 5. Counsel for Defendants, Reed Smith LLP, has out of town depositions scheduled
17 the week of May 27, 2013, in addition to the Memorial Day holiday on May 27, 2013.

18 6. Accordingly, the parties submit that good cause exists for granting Defendant
19 BANA an additional one week extension from the time of Plaintiff’s Opposition to file its Reply
20 Brief, until June 4, 2013.

21 7. Subject to the Court’s approval, the parties stipulate to the new deadlines and agree
22 that good cause exists to grant the extension.

23
24
25
26
27 ///

1 **IT IS SO STIPULATED**

2 Respectfully submitted,

3 Dated: April 26, 2013

COTCHETT, PITRE &McCARTHY, LLP

By: /s/ Eric J. Buescher

5 NIALL P. McCARTHY
6 ANNE MARIE MURPHY
7 ERIC J. BUESCHER
8 840 Malcolm Road
9 Burlingame, CA 94010

10 DEREK G. HOWARD
11 KEVIN R. ALLEN
12 **MINAMI TAMAKI, LLP**
13 360 Post Street, 8th Floor
14 San Francisco, CA 94108

15 J. BRIAN McTIGUE
16 **McTIGUE LAW LLP**
17 4530 Wisconsin Avenue, NW, Suite 300
18 Washington, DC 20016

Attorneys for Plaintiffs

19 Dated: April 26, 2013

REED SMITH LLP

By: /s/ Mary J. Hackett

20 MARY J. HACKETT
21 SHARON L. RUSNAK
22 225 Fifth Avenue
23 Pittsburgh, PA 15222

24 DAVID C. POWELL
25 DAVID S. REIDY
26 **REED SMITH LLP**
27 Two Embarcadero Center, Suite 2000
28 San Francisco, CA 94111

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

///

[PROPOSED] ORDER

The Court, having reviewed the parties' Stipulation to Amend the Briefing Schedule on Defendant Bank of America, N.A.'s Motion for Judgment on the Pleadings, and having found good cause shown, the Court hereby ORDERS:

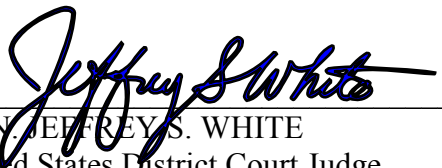
Plaintiff's Opposition shall be filed on or before May 21, 2013

Defendant's Reply shall be filed on or before June 4, 2013

Hearing on the motion shall be continued to June 28, 2013 at 9:00 a.m.

IT IS SO ORDERED.

Dated: April 29, 2013



HON. JEFFREY S. WHITE
United States District Court Judge