

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 Counsel for Defendants  
 Bank of America, N.A. and  
 12 Bank of America Corporation

13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

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 A limited liability partnership formed in the State of Delaware

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

18 Plaintiff,

19 vs.

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

21 Defendants.  
 22

Case No. CV 08 2705 JSW

**NOTICE OF TENTATIVE SETTLEMENT  
 AND JOINT STIPULATION OF  
 ADJOURNMENT AND STAY**

Place: Courtroom 11, 19th Floor  
 Compl. Filed: May 29, 2008  
 Trial Date: August 14, 2014

*Honorable Jeffrey S. White*

1 Plaintiff Ellen Stoody-Broser and Defendants Bank of America, N.A. and Bank of America  
2 Corporation, for good cause, respectfully file this joint stipulation to adjourn all pending deadlines  
3 and stay the litigation.

4 1. The Court has entered a Scheduling Order setting various deadlines in this action.  
5 See Dkt. Nos. 204 & 206.

6 2. Most immediately, Plaintiff's expert reports regarding class certification and motion  
7 for class certification must be filed by August 28, 2013. Defendants' expert reports regarding class  
8 certification must be filed by September 28, 2013, and their opposition to class certification must be  
9 filed by October 18, 2013.

10 3. Additionally, currently pending before the Court are Defendant Bank of America  
11 Corporation's Motion for Judgment on the Pleadings (Dkt. No. 191) and Defendant Bank of  
12 America, N.A.'s Motion for Judgment on the Pleadings (Dkt. No. 215)

13 4. The parties participated in mediation with Judge Edward Infante on June 18, 2013.  
14 Since the initial mediation, the parties have engaged in several follow-up negotiations through  
15 Judge Infante.

16 5. Through mediation, the parties have reached a tentative settlement, which they now  
17 need to finalize and document.

18 6. The parties expect to complete this process by the middle of August, and, if all terms  
19 are agreed upon, to submit a motion for preliminary approval of a settlement by August 15, 2013.

20 7. The parties wish to focus their full efforts on finalizing their settlement of this matter.  
21 The deadlines currently set in the action will impede the parties' ability to do so and cause the parties  
22 to incur unnecessary costs and expense in light of the potential resolution.

23 8. Therefore, subject to the Court's approval, the parties stipulate to an adjournment of  
24 all pending deadlines and a stay of the litigation, including any decision on the pending motions for  
25 judgment on the pleadings.

26 9. The parties will submit to the Court a written update on the status of their settlement  
27 on or before August 15, 2013, including noting the expected filing date for the motion for  
28 preliminary approval of a settlement, if not already filed.

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10. Accordingly, based on the foregoing, good cause exists to adjourn the pending deadlines and stay this case to allow the parties to finalize and consummate a settlement of this case. By adjourning the deadlines and staying the litigation, the parties will be able to focus on settlement and avoid unnecessary expense in further litigating this matter.

**IT IS SO STIPULATED.**

Dated: June 27, 2013

**COTCHETT, PITRE & McCARTHY, LLP**

By: /s/ Eric J. Buescher

NIALL P. McCARTHY  
ANNE MARIE MURPHY  
ERIC J. BUESCHER

**MINAMI TAMAKI, LLP**

DEREK G. HOWARD  
KEVIN R. ALLEN

**McTIGUE LAW LLP**

J. BRIAN McTIGUE

*Counsel for Plaintiff and the Putative Class*

**REED SMITH, LLP**

By: /s/ Mary J. Hackett

MARY J. HACKETT

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

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED all pending deadlines in this action are adjourned and the litigation is stayed. The parties are ordered to submit to the Court a written update on the status of their settlement on or before August 15, 2013.

DATED: June 28, 2013.

  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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