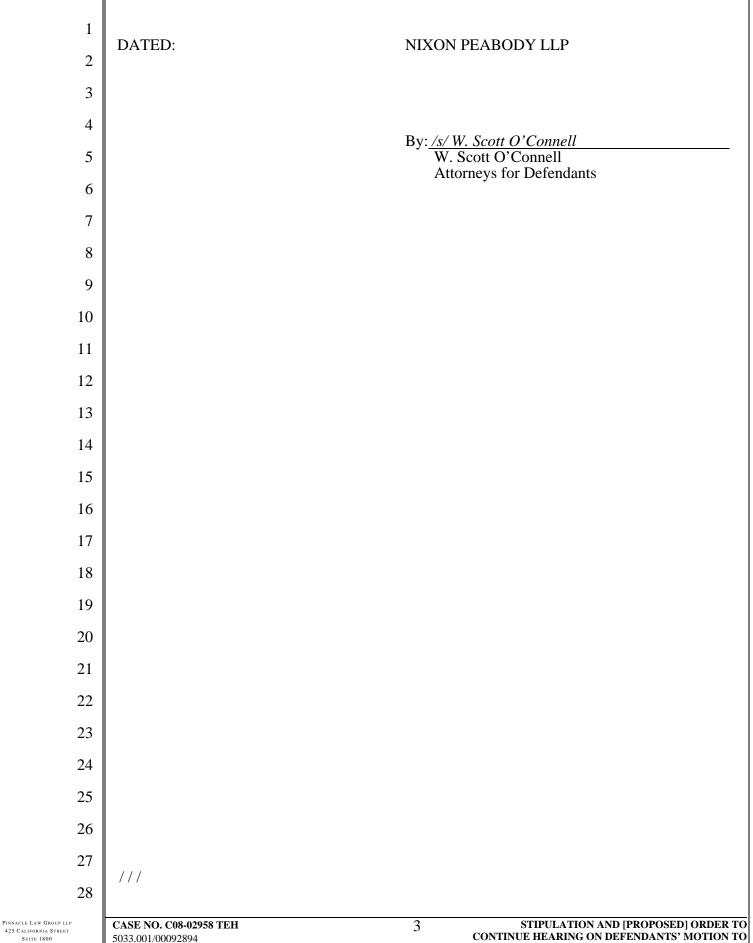
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13	William Bruce Fuller and Kevin Wilhelmy	
14	UNITED STATI	ES DISTRICT COURT
15	NORTHERN DIST	TRICT OF CALIFORNIA
16	SAN FRAN	CISCO DIVISION
17		
18	MATTHEW C. KILGORE, et al.,	CASE NO. 08-cv-02958 TEH
19	Plaintiffs,	STIPULATION AND <del>[PROPOSED</del> ] ORDER TO CONTINUE HEARING ON DEFENDANTS' MOTION TO DISMISS
20	vs.	PLAINTIFFS' THIRD AMENDED COMPLAINT
21	KEYBANK, NATIONAL ASSOCIATION,	CONFLAINT
22	et al.,	
23	Defendants.	
24		_
25		fondente' Motion to Diamico Disintifica Thind
26		efendants' Motion to Dismiss Plaintiff's Third
27	Amended Complaint is currently set for Marc	n 1, 2010;
28		
LP T	CASE NO. C08-02958 TEH	1 STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING ON DEFENDANTS' MOTION TO

PINNACLE LAW GROUP LLP 425 CALIFORNIA STREET SUITE 1800 SAN FRANCISCO, CA 94104 (415) 394-5700

1	WHEREAS, Plaintiffs have reached a tentative settlement with two previous	
2	defendants in this action (Student Loan Xpress, Inc. ("SLX") and American Education Services	
	("AES"));	
3	(ALS ));	
4	WHEREAS, Plaintiffs' settlement with SLX and AES has been preliminarily	
5	approved by the Federal District Court in the Middle District of Florida in Holman v. Student	
6	Loan Xpress, Inc. 8:08-cv-00305-SDM-MAP (M.D. Fla.);	
7	WHEREAS, the Final Fairness Hearing in the Holman action is scheduled for	
8	March 22, 2010;	
9	WHEREAS, this is the first request for a continuance of the hearing date on	
10 11	Defendants' Motion to Dismiss Plaintiffs' Third Amended Complaint (although this Court did	
11	grant a continuance of the hearing on Defendants' Motion to Dismiss Plaintiffs' Second Amended	
12	Complaint in order to allow Plaintiffs leave to file a Third Amended Complaint);	
13	WHEREAS, to accommodate Plaintiffs' scheduling concerns;	
14		
15	NOW, THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs	
10	and Defendants, through their respective counsel of record, that the hearing date on Defendants'	
18	Motion to Dismiss shar be continued from March 1, 2010 to March 29, 2010 and the current	
10	briefing schedule shall be maintained.	
20	DATED: January 27, 2010 PINNACLE LAW GROUP LLP	
20		
22		
23	By: <u>/s/ Kevin F. Rooney</u> Kevin F. Rooney, Attorneys for Plaintiff	
24	Revin F. Rooney, Automeys for Fluintin	
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PINNACLE LAW GROUP LLP 425 CALIFORNIA STREET	CASE NO. C08-02958 TEH 2 STIPULATION AND [PROPOSED] ORDER TO	
SUITE 1800 San Francisco, CA 94104 (415) 394-5700	5033.001/00092894 CONTINUE HEARING ON DEFENDANTS' MOTION TO   DISMISS PLAINTIFFS' THIRD AMENDED COMLAINT	



1	<u>ORDER</u>
2	Based on the foregoing stipulation of counsel and good cause appearing therefore,
3	it is HEREBY ORDERED the hearing date on Defendants' Motion to Dismiss shall be continued
4	from March 1, 2010 to March 29, 2010 and the current briefing schedule shall be maintained.
5	PURSUANT TO STIPULATION OF COUNSEL, IT IS SO ORDERED.
6	
7	Dated:01/29, 2010
8	<b>Hen Thelton E. Henderson</b> Optied States District Court
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10	5 nother and VI
11	Z Judge Thelton E. Henderson
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13	DISTRICT OF CR
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