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14 Attorneys for Plaintiffs HUGO ZALDANA
 and GARY GUARDINEER, individually
 15 and on behalf of all others similarly situated

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19 HUGO ZALDANA and GARY GUARDINEER,) No. 08-3399 MMC
 20 individually, and on behalf of all others similarly)
 21 situated,)

21 Plaintiffs,)

22 v.)

23 KB HOME, a Delaware corporation;)
 24 COUNTRYWIDE FINANCIAL)
 CORPORATION dba COUNTRYWIDE HOME)
 25 LOANS, a Delaware corporation; and)
 26 FIRST AMERICAN TITLE COMPANY, a)
 California corporation,)

26 Defendants.)

**STIPULATION AND PROPOSED
 ORDER TO CONTINUE INITIAL
 CASE MANAGEMENT
 CONFERENCE**

1 **STIPULATION**

2 WHEREAS, this action was originally filed on July 15, 2008;

3 WHEREAS, Plaintiff Hugo Zaldana filed a Stipulation and Proposed Order For
4 Substitution Of Counsel on or about August 26, 2008;

5 WHEREAS, the Hagens Berman law firm filed a Notice of Association of Counsel for
6 Plaintiff on or about August 27, 2008;

7 WHEREAS, pursuant to Plaintiff's Declination To Proceed Before a Magistrate Judge, this
8 matter was reassigned to the Honorable Maxine M. Chesney on or about August 29, 2008;

9 WHEREAS, service was effected by agreement on Defendants KB Home and Countrywide
10 Financial Corporation and related entities by means of Acknowledgements of Service on
11 September 12, 2008;

12 WHEREAS, Plaintiffs filed a First Amended Complaint, adding a new Defendant, First
13 American Title Company, on or about October 9, 2008;

14 WHEREAS, pursuant to the Case Management Conference Order issued on September 9,
15 2008, the Initial Case Management Conference in this matter is currently set for October 31, 2008
16 at 10:30 a.m.;

17 WHEREAS, the parties are cooperating, and believe that the interests of the judicial
18 economy would be served by a continuance of the Initial Case Management Conference in order to
19 obtain Defendant First American Title Company's appearance in the case, to allow for the filing of
20 Defendants' responsive pleadings prior to the Case Management Conference, to meet and confer
21 on the agenda items for the Initial Case Management Conference, to prepare a Joint Case
22 Management Conference Statement, and so forth.

23 THEREFORE, the parties hereby stipulate to and request:

- 24 1. that the Initial Case Management Conference be continued to December 5, 2008, or
25 such other subsequent date as is convenient to the Court; and
26 2. that December 1, 2008 be set as the deadline for Defendants' filing of responsive
27 pleadings, with any Motion to Dismiss hearings to be set no earlier January 30, 2009.

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1 **STIPULATION**

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3 **IT IS SO STIPULATED**

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5 DATED: October 20, 2008

HAGENS BERMAN SOBOL SHAPIRO LLP
LAW OFFICE OF PETER B. FREDMAN

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8 By: /S/ Peter Fredman
Peter B. Fredman
9 Attorneys for Plaintiffs HUGO ZALDANA and
10 GARY GUARDINEER, individually, and on
behalf of all others similarly situated

11 DATED: October 20, 2008

12 BRYAN CAVE LLP

13

14 By: /S/ Robert E. Boone
Robert E. Boone III
15 Jennifer A. Jackson
16 Attorneys for Defendant COUNTRYWIDE
FINANCIAL CORPORATION

17 DATED: October 20, 2008

18 K & L GATES LLP

19

20 By: /S/ Matthew G. Ball
Matthew G. Ball
21 Attorneys for Defendant KB HOME

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24 ECF CERTIFICATION: I, Peter Fredman, the filer of this ECF Document, hereby certify
25 that the concurrence to this stipulation has been obtained by ECF registrants Robert E. Boone III
26 and Matthew G. Ball on behalf fo their respective clients in this case. /s/ Peter Fredman

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ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore,

1. The Initial Case Management Conference in the above captioned case is hereby
19, 2008
continued to December ~~5, 2008~~ at 10:30 a.m.; and

2. Defendants' responsive pleadings shall be filed no later December 1, 2008, and any
Motion to Dismiss hearings shall be set no earlier than January 30, 2009.

IT IS SO ORDERED

Dated: October 21, 2008



Hon. Maxine M. Chesney

United States District Court Judge