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 6 ESCROW COMPANY

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

12 HUGO ZALDANA and GARY GUARDINEER,)
 individually, and on behalf of all others similarly)
 13 situated,)

No. 08-3399 MMC

14 Plaintiffs,)

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING SCHEDULE
FOR RESPONSIVE PLEADINGS

15 v.)

16 KB HOME, a Delaware corporation;)
 COUNTRYWIDE FINANCIAL)
 17 CORPORATION dba COUNTRYWIDE HOME)
 LOANS, a Delaware corporation; and)
 18 FIRST AMERICAN TITLE COMPANY, a)
 California corporation,)

19 Defendants.)
 20)
 21)

1 **STIPULATION**

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

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

5 WHEREAS, pursuant to the parties' Stipulation and Order to Continue the Initial Case
6 Management Conference, entered as an Order on October 21, 2008, the Defendants' responsive
7 pleadings to the First Amended Complaint are to be filed no later than December 1, 2008, with any
8 Motion to Dismiss hearings to be scheduled no earlier than January 30, 2009;

9 WHEREAS, the parties met and conferred by telephone on November 20, 2008, and as part of
10 that conference agreed upon the following revised schedule:

- 11 1. Defendants' Responsive Pleadings, including Motions to Dismiss, shall be filed on or
- 12 before December 8, 2008;
- 13 2. Plaintiffs' Opposition papers shall be served and filed on or before January 16, 2008;
- 14 3. Defendants' Reply papers shall be served and filed on or before January 30, 2008; and
- 15 4. A hearing on Defendants' Motions to Dismiss shall be scheduled no earlier than
- 16 February 13, 2009.

17 WHEREAS, the parties believe that the interests of judicial economy would be served by the
18 adoption of the above-noted briefing and hearing schedule.

19 THEREFORE, the parties hereby stipulate to and request that the Court enter the following
20 Order.

21 **IT IS SO STIPULATED**

22 DATED: November 24, 2008

HAGENS BERMAN SOBOL SHAPIRO LLP

LAW OFFICE OF PETER B. FREDMAN

25 By _____ /s/

26 Peter B. Fredman
27 Attorneys for Plaintiffs HUGO ZALDANA and
28 GARY GUARDINEER, individually, and on behalf
of all others similarly situated

1 DATED: November 24, 2008 REED SMITH LLP

2
3 By /s/
4 Marshall C. Wallace
5 Attorney for Defendant FIRST AMERICAN TITLE
6 COMPANY

7 DATED: November 24, 2008 BRYAN CAVE LLP

8 By /s/
9 Robert E. Boone III
10 Jennifer A. Jackson
11 Attorneys for Defendant COUNTRYWIDE
12 FINANCIAL CORPORATION

13 DATED: November 24, 2008 K & L GATES LLP

14 By /s/
15 Matthew G. Ball
16 Attorney for Defendant KB HOME

17 ECF CERTIFICATION: Matthew G. Ball, the filer of this ECF Document, hereby certifies
18 that the concurrence to this stipulation has been obtained by ECF registrants Robert E. Boone III and
19 Peter B. Fredman on behalf of their respective clients in this case. /s/ Matthew G. Ball
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1 **ORDER**

2 Pursuant to the stipulation of the parties, and good cause appearing, the Court orders as
3 follows:

- 4 1. Defendants shall file and serve responsive pleadings, ^{or} ~~including any~~ Motions to
5 Dismiss, on or before December 8, 2008; if any defendant files a motion to dismiss, 2009
6 2. Plaintiffs' Opposition papers shall be served and filed on or before January 16, ~~2008~~,
7 3. Defendants' Reply papers shall be served and filed on or before January 30, ~~2008~~; and 2009
8 4. Any Motion to Dismiss hearing shall take place at 9:00 a.m. on February 13, 2009.

9 **IT IS SO ORDERED**

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11 Dated: November 26, 2008


12 Hon. Maxine M. Chesney
13 United States District Court Judge