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 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION
 15

16 HUGO ZALDANA and GARY GUARDINEER,
 17 individually, and on behalf of all others similarly)
 situated,)

Case No. CV-08-3399 MMC

18 Plaintiffs,)

(Judge Maxine M. Chesney)

19 v.)

20 **STIPULATION AND ~~[PROPOSED]~~**
ORDER TO RESCHEDULE MARCH
6, 2009 CASE MANAGEMENT
CONFERENCE

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

24 Defendants.)

25 _____)

1 **STIPULATION**

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

3 WHEREAS, Plaintiffs filed a First Amended Complaint on or about October 9, 2008;

4 WHEREAS, the Defendants filed Motions to Dismiss the First Amended Complaint, which
5 Motions were granted by this Court in whole (with respect to Defendants Countrywide Financial
6 Corporation and First American Title Company) and in part (with respect to Defendant KB Home)
7 pursuant to its February 10, 2009 Order (“Order”);

8 WHEREAS, the Order further stated that, to the extent plaintiffs may be able to cure
9 deficiencies in the First Amended Complaint, Plaintiffs have leave to file a Second Amended
10 Complaint, which shall be filed no later than March 13, 2009;

11 WHEREAS, Plaintiffs presently intend to file a Second Amended Complaint;

12 WHEREAS, a Case Management Conference in this matter is currently scheduled for March
13 6, 2009;

14 WHEREAS, the parties agree that, in the interests of judicial economy, it is desirable to
15 continue the Initial Case Management Conference until after the Second Amended Complaint is filed
16 or after any motions to dismiss the Second Amended Complaint are resolved depending on the
17 content of the Second Amended Complaint.

18 WHEREFORE, in the interest of judicial economy, the parties hereby agree and stipulate, and
19 request that the Court continue the Initial Case Management Conference to a date to be determined
20 by further stipulation and proposed order to be submitted no later than March 20, 2009. The parties
21 further agree that the corresponding deadlines to serve their initial disclosures, file a Rule 26(f)
22 report, and file a case management conference statement are similarly continued.

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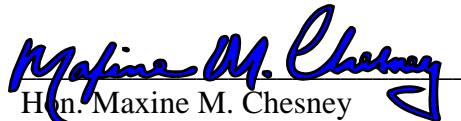
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1 **ORDER**

2 Pursuant to the stipulation of the parties, and good cause appearing therefore, the March 6,
3 is continued to June 12, 2009.
4 2009 Case Management Conference ~~shall be continued to be determined by further stipulation and~~
5 ~~proposed order to be submitted no later than March 20, 2009.~~ The corresponding deadlines for the
6 parties to serve their initial disclosures, file a Rule 26(f) report, and file a case management
7 conference statement are similarly continued. Should the parties, after the SAC is filed, determine
8 an earlier date is preferable, they may submit a joint stipulation to that effect.

9 **IT IS SO ORDERED**

10
11 Dated: February 20, 2009


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