

1 MATTHEW G. BALL (State Bar No. 208881)  
 matthew.ball@klgates.com  
 2 K&L GATES LLP  
 55 Second Street, Suite 1700  
 3 San Francisco, California 94105-3493  
 Telephone: (415) 882-8200  
 4 Facsimile: (415) 882-8220

5 IRENE C. FREIDEL (admitted *pro hac vice*)  
[irene.freidel@klgates.com](mailto:irene.freidel@klgates.com)  
 6 STACEY L. GORMAN (admitted *pro hac vice*)  
 stacey.gorman@klgates.com  
 7 K& L GATES LLP  
 State Street Financial Center  
 8 One Lincoln Street  
 Boston, MA 02111  
 9 Telephone: (617) 261-3100  
 Facsimile: (617) 261-3175

10 Attorneys for KB HOME

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION  
 15

16 HUGO ZALDANA, individually, and on behalf )  
 17 of all others similarly situated, )  
 18 Plaintiffs, )  
 19 v. )

Case No. CV-08-3399 MMC  
 (Judge Maxine M. Chesney)

20 KB HOME, a Delaware corporation; FIRST )  
 AMERICAN TITLE COMPANY, a California )  
 21 corporation; FIRST AMERICAN TITLE )  
 INSURANCE COMPANY, a California )  
 22 corporation; FIRST AMERICAN )  
 CORPORATION, a Delaware corporation; )  
 23 COUNTRYWIDE FINANCIAL )  
 CORPORATION, a Delaware corporation; )  
 24 COUNTRYWIDE HOME LOANS, a Delaware )  
 corporation; COUNTRYWIDE MORTGAGE )  
 25 VENTURES, LLC and COUNTRYWIDE KB )  
 HOME LOANS, an unincorporated association  
 26 of unknown form.

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO RESCHEDULE DATE  
 FOR FILING REPLY BRIEFS**

27 Defendants.  
 28

1 **STIPULATION**

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

3 WHEREAS, Plaintiffs filed a Third Amended Complaint on September 1, 2009

4 WHEREAS, defendants First American Title Company, First American Title Insurance  
5 Company and First American Corporation and defendant KB Home filed Motions to Dismiss a  
6 portion of the Third Amended Complaint on October 1, 2009 and Plaintiff filed his opposition on  
7 November 2, 2009;

8 WHEREAS, pursuant to a Joint Stipulation entered as an Order of this Court on August 31,  
9 2009 and by further agreement of the parties, reply briefs in support of the Rule 12 motions are due  
10 on November 16, 2009 and a hearing is scheduled for December 11, 2009;

11 WHEREAS, lead counsel for KB Home has experienced a family emergency in that her  
12 mother has become gravely ill;

13 WHEREAS, counsel for KB Home has explained the situation to all counsel of record and  
14 Plaintiff's counsel has agreed to extend the date to file reply briefs in support of the Rule 12 motions  
15 to Monday, November 23, 2009;

16 WHEREAS, extending the date by which reply briefs must be filed will not effect the case  
17 schedule because the parties do not seek to modify the currently scheduled hearing date and the reply  
18 briefs will be filed no less than 18 days before the scheduled hearing.

19 WHEREFORE, in light of the unforeseen circumstances, the parties hereby agree and  
20 stipulate, and request that the Court extend the date to file reply briefs in support of the Rule 12  
21 Motions to Monday, November 23, 2009.

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**STIPULATION**

**IT IS SO STIPULATED.**

DATED: November 12, 2009

HAGENS BERMAN SOBOL SHAPIRO LLP

By           /s/ Thomas E. Loeser            
Thomas E. Loeser  
Attorneys for Plaintiffs HUGO ZALDANA  
individually, and on behalf of all others similarly  
situated

DATED: November 12, 2009

REED SMITH LLP

By           /s/ Jame M. Neudecker            
Marshall C. Wallace  
James M. Neudecker  
Attorney for Defendant FIRST AMERICAN TITLE  
COMPANY, FIRST AMERICAN TITLE  
INSURANCE COMPANY, and FIRST  
AMERICAN CORPORATION

DATED: November 12, 2009

BRYAN CAVE LLP

By           /s/ Jennifer A. Jackson            
Robert E. Boone III  
Jennifer A. Jackson  
Attorneys for Defendant COUNTRYWIDE  
FINANCIAL CORPORATION, COUNTRYWIDE  
HOME LOANS, COUNTRYWIDE MORTGAGE  
VENTURES, LLC, and COUNTRYWIDE KB  
HOME LOANS

DATED: November 12, 2009

K & L GATES LLP

By           /s/ Stacey L. Gorman            
Stacey L. Gorman  
Attorney for Defendant KB HOME

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ECF CERTIFICATION: Stacey L. Gorman, the filer of this ECF Document, hereby certifies that the concurrence to this stipulation has been obtained by ECF registrants Thomas E. Loeser, James M. Neudecker, and Jennifer A. Jackson on behalf of their respective clients in this case.

/s/ Stacey L. Gorman  
Stacey L. Gorman

///

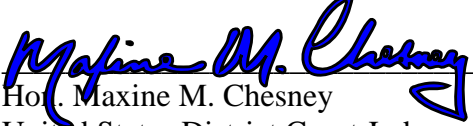
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**ORDER**

Pursuant to the stipulation of the parties, and good cause appearing therefore, the Court's August 31, 2009 Order Re: Filing of Third Amended Complaint and Briefing Schedule shall be modified to extend the date for filing of Reply Briefs to November 23, 2009.

**IT IS SO ORDERED**

Dated: November 16, 2009

  
Hon. Maxine M. Chesney  
United States District Court Judge