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 12 Bank of America, National Association
 (erroneously sued as "Bank of America")

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15

16 RICHARD ADAME, CONNIE G.
 BENDER, and CONSTANCE DAVIS

17 Plaintiff,

18 v.

19 BANK OF AMERICA, NATIONAL
 20 ASSOCIATION (erroneously sued as
 "Bank of America")

21 Defendant.
 22

Case No. CV 09-0129 SI

**STIPULATION AND [PROPOSED] ORDER
 GRANTING PLAINTIFFS' LEAVE TO FILE
 FIRST AMENDED COMPLAINT**

1 Pursuant to Local Rule 6-2, the Parties hereto, and their undersigned counsel, hereby stipulate as
2 follows:

3 WHEREAS on February 4, 2009, the Parties stipulated to allow Defendant Bank of
4 America, National Association an extension of fifteen (15) days, until February 20, 2009, to file a
5 response to the Complaint;

6 WHEREAS the Parties have conferred and agreed that certain portions of the Complaint
7 should be modified – namely portions of the Complaint relating to the fourth, fifth and eighth claims for
8 relief;

9 WHEREAS the Parties have also agreed that it would be a waste of resources for
10 Defendant Bank of America, National Association to file a responsive pleading to the Complaint if a
11 First Amended Complaint will be submitted pursuant to stipulation;

12 NOW THEREFORE, IT IS AGREED AS FOLLOWS:

- 13 1. That leave should be granted for Plaintiffs to file a First Amended Complaint;
- 14 2. That should the Court approve this Stipulation and grant Plaintiffs leave to file a First
15 Amended Complaint, Defendant Bank of America, National Association shall have twenty (20) days
16 after the First Amended Complaint is filed in which to file a responsive pleading;
- 17 3. That should the Court deny leave to file the proposed First Amended Complaint, Defendant
18 Bank of America, National Association will have twenty (20) days from the date of the Court's order
19 denying leave in which to file a responsive pleading to the Complaint.

20 Dated: February 20, 2009

J. GARY GWILLIAM
RANDALL E. STRAUSS
GWILLIAM, IVARY, CHIOSSO, CAVALLI &
BREWER

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23
24 By: 
25 Randall E. Strauss
26 Attorneys for Plaintiffs
27 Richard Adame, Connie G. Bender
28 and Constance Davis

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OHS West:260611206.1

STIPULATION RE GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT, U.S.D.C., N.D. Cal. CV 09-0129

Dated: February 19, 2009

PATRICIA K. GILLETTE
KATINA B. MINER
ORRICK, HERRINGTON & SUTCLIFFE LLP

By: Patricia Gillette
Patricia K. Gillette
Attorneys for Defendant
Bank of America, National Association

ORDER

Pursuant to the stipulation set out above, Plaintiffs are given leave to file a First Amended
Complaint. ← within 15 days
Defendant Bank of America, National Association must file its responsive pleading within
ten (10) days of the filing of the Third Amended Complaint.

IT IS SO ORDERED.

Dated: February __, 2009

Hon. Susan Illston

Susan Illston

UNITED STATES DISTRICT JUDGE