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6 CONNIE G. BENDER, and CONSTANCE DAVIS  
7  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 RICHARD ADAME, CONNIE G. BENDER, Case No.: CV -9-0129 SI  
12 and CONSTANCE DAVIS,

13 Plaintiff (s),

14 vs.

**STIPULATED REQUEST TO CHANGE  
HEARING DATE FOR DEFENDANTS  
MOTION FOR SUMMARY JUDGMENT  
AND MODIFY BRIEFING SCHEDULE**

15 BANK OF AMERICA, NATIONAL  
16 ASSOCIATION (erroneously sued as "Bank of  
America"),

**JUDGE: HON. SUSAN ILLSTON**

17 Defendant (s) /

18 **STIPULATION**

- 19
- 20 1. Defendant Bank of America, N.A. has filed one motion for summary judgment  
21 relating to C. George Bender on May 14, 2010.
- 22 2. Because of a calendaring error by Plaintiff's counsel, Plaintiff has requested and  
23 Defendant has agreed, pending approval by the Court, to change the briefing schedule for  
24 Defendant's motion for summary judgment currently set for hearing on June 18, 2010 at 9:00 a.m.  
25 as set forth in paragraph 3 below.  
26  
27

1 3. Plaintiff's brief in opposition shall be filed and served by hand on June 4, 2010 by  
2 noon. Defendant's reply brief shall be filed on or before June 11, 2010. The hearing date for this  
3 motion shall continue to be June 18, 2010.

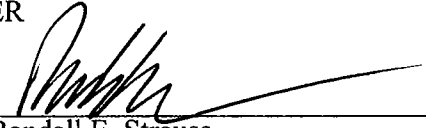
4 4. Because of the scheduling change in connection the motion relating to Plaintiff  
5 Bender, the parties must also change the summary judgment hearing relating to Richard Adame.  
6 That hearing is presently set for July 16, 2010. The parties proposed that the date for that hearing  
7 be changed to July 30, 2010 (provided this date is available on the court's calendar). The opening  
8 papers will be filed on June 25, 2010. Plaintiff's opposition is to be filed on July 9 and  
9 Defendant's reply papers will be filed on July 16, 2010.

10 5. **Defendant agrees to these changes only if all of the proposed dates set forth**  
11 **above are acceptable to the Court.** The parties respectfully request that the Court approve the  
12 Stipulation and enter an Order thereupon. A form of the proposed Order is filed herewith.

13 Dated: June 1, 2010

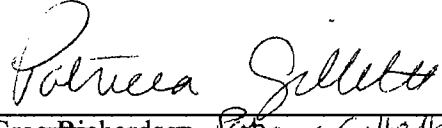
Respectfully submitted,

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

14 By:   
15 \_\_\_\_\_  
16 Randall E. Strauss  
17 Attorneys for Plaintiffs  
18 Richard Adame, Connie G. Bender and  
19 Constance Davis

20 Dated: June 1, 2010

PATRICIA K. GILLETTE  
GREG J. RICHARDSON  
ORRICK, HERRINGTON & SUTCLIFFE LLP

21 By:   
22 \_\_\_\_\_  
23 Greg Richardson Patricia Gillette  
24 Attorneys for Defendant  
25 Bank of America, National Association

1 Randall Strauss attests that concurrence in the filing of the document has been obtained from the  
2 other signatory, which shall serve in lieu of their signature on the document.

3  
4 **ORDER**

5 The Court having considered the above Stipulation, and good cause appearing therefore,  
6 IT IS HEREBY ORDERED that,

7  
8 1. Defendant's motion for summary judgment hearing for C. George Bender will  
9 remain on June 18, 2010, at 9:00 a.m. Plaintiff's opposition will be filed and personally served on  
10 defendant by 12 noon on June 4, 2010. Defendant's reply will be filed on June 11, 2010.

11 2. Defendant's motion for summary judgment hearing for Richard Adame will be  
12 changed from July 16, 2010 to July 30, 2010. Defendant's will file their papers by June 25, 2010.  
13 Plaintiff's opposition will be filed on July 9, 2010. Defendant's reply papers will be filed on July  
14 16, 2010.

15  
16 Hon. Susan Illston

17 

18 UNITED STATES DISTRICT JUDGE

19  
20 110949