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Attorneys for Plaintiff TIMOTHY A. SAUER

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

22 TIMOTHY A. SAUER, individually and on  
23 behalf of all others similarly situated,  
24 Plaintiff,  
25 vs.  
26 CHASE BANK USA, N.A., and  
27 DOES 1-20,  
28 Defendants.

) Case No. CV-09-0809 (BZ)  
)  
) **CLASS ACTION**  
)  
) **STIPULATION TO STAY PROCEEDINGS**  
)  
) Action filed: February 25, 2009  
) Trial Date: None set  
) Judge: Hon. Bernard Zimmerman

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WHEREAS, on February 25, 2009, plaintiff Timothy A. Sauer (“Plaintiff”) filed the Class Action Complaint (the “Complaint”);

WHEREAS, multiple similar class actions are currently pending in this District and in other federal district courts around the country and a Motion for Transfer and Coordination pursuant to 28 U.S.C. § 1407 (the “MDL Motion”) has been filed with the Judicial Panel on Multidistrict Litigation (the “JPML”) and docketed as In Re: Chase Bank USA, N.A., “Check Loan” Contract Litigation, MDL No. 2032;

WHEREAS, responses to the MDL Motion are due by March 16, 2009; any reply is due by March 23, 2009 and the JPML will thereafter schedule a hearing date;

WHEREAS, in light of the foregoing, the parties have agreed to a stay of all proceedings in this case pending the ruling on the MDL Motion;

WHEREAS, such a stay of proceedings in this case (and in other similar cases) pending the decision of the JPML is within the discretion of the Court. See, e.g., Republic of Venezuela v. Philip Morris Cos., Inc., 1999 WL 33911677 (S.D. Fla. Apr. 28, 1999) (holding district court has “inherent power” to stay proceedings pending decision by JPML on transfer motion);

WHEREAS, the parties have not previously submitted any stipulations in this action; and

WHEREAS, this Stipulation is made in good faith and not for purposes of delay.

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that all proceedings in this case before this Court, including but not limited to any deadlines for Chase to respond to the Complaint, be stayed until such time as the JPML rules on the MDL Motion.



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1 Plaintiff reserves the right to move to vacate the stay, in which case Chase shall have ten (10) days  
2 from the date of entry of an order lifting the stay in which to file an answer or otherwise respond to  
3 the Complaint.

4 IT IS SO STIPULATED.

5 Dated: March \_\_, 2009

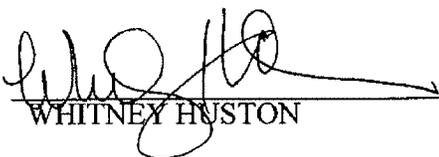
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9 By: \_\_\_\_\_

10  
11 Attorneys for Defendants  
12 CHASE BANK USA, N.A. and  
13 JPMORGAN CHASE & CO.

14  
15 Dated: March 13, 2009

16 THE STURDEVANT LAW FIRM  
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18 DONOVAN SEARLES, LLC

19 By:  \_\_\_\_\_  
20 WHITNEY HUSTON

21 Attorneys for Plaintiff  
22 Timothy A. Sauer  
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**ORDER**

IT IS HEREBY ORDERED, pursuant to the Stipulation between the parties, that:  
all proceedings in this case before this Court, including but not limited to any deadlines for Chase to respond to the Complaint, be stayed until such time as the JPML rules on the MDL Motion. Plaintiff hereby is granted leave to move to vacate the stay, in which case Chase shall have ten (10) days from the date of entry of an order lifting the stay in which to file an answer or otherwise respond to the Complaint. **If the case is not transferred by June 1, 2009, the parties shall file a joint status report.**

IT IS SO ORDERED.

DATED: March 16, 2009

  
The Honorable Bernard Zimmerman  
United States District Judge