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9 Counsel for Plaintiffs  
 10 RICHARD G. WHITEHURST AND  
 11 LORRAINE D. WHITEHURST

12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 RICHARD G. WHITEHURST AND  
 15 LORRAINE D. WHITEHURST, as  
 16 individuals and as trustees of the Whitehurst  
 17 Family Trust,

18 Plaintiffs,

19 v.

20 BANK OF AMERICA, NATIONAL  
 21 ASSOCIATION, a national banking  
 22 corporation; CHARLOTTE A. HEINL, as an  
 23 individual and dba Norge Cleaners; and  
 24 DOES 1 through 100,

25 Defendants.

Case No. C09-04808 MEJ

**STIPULATION AND ~~PROPOSED~~ ORDER  
 CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE**

26 The parties, through their counsel of record, hereby stipulate to, and request that the Court enter  
 27 an order for, a four week continuance of the Initial Case Management Conference in this case. The  
 28 conference is currently scheduled for Thursday, January 14, 2010 in Courtroom B, on the 15<sup>th</sup> Floor,  
 in San Francisco, at 10:00 a.m. The parties request that the Court continue the conference to Thursday,  
 February 11, 2010 (the location and time of the conference would remain the same) with corresponding  
 continuances for the various deadlines that flow from the conference date, including, *e.g.*, the deadlines  
 for filing Rule 26(f) Reports, for making initial disclosures, and for filing an Initial Joint Case  
 Management Statement.



1 The parties are seeking the continuance of the Initial Case Management Conference because  
2 Defendants have not yet answered or otherwise responded to Plaintiffs' First Amended Complaint.  
3 Plaintiffs' original Complaint named Bank of America Corporation as a defendant. However, the  
4 parties recently determined that Plaintiffs should have named Bank of America, *National Association*,  
5 and not Bank of America *Corporation*. Plaintiffs thus revised their Complaint, adding Bank of  
6 America, National Association, and dropping Bank of America Corporation. Plaintiffs then filed their  
7 First Amended Complaint on December 11, 2009. Defendants' deadline to respond to the First  
8 Amended Complaint is thus Monday, January 4, 2010.<sup>1</sup> The parties believe that it makes the most sense  
9 for Defendants to respond to the operative complaint *before* they attempt to meet-and-confer regarding  
10 their initial disclosures, a discovery plan, and their Initial Joint Case Management Statement, and *before*  
11 they produce their initial disclosures and file their Initial Joint Case Management Statement.  
12 Accordingly, the parties ask that the Court briefly continue the Initial Case Management Conference  
13 in order to afford the parties sufficient time to meet-and-confer, produce their initial disclosures, file  
14 their Initial Joint Case Management Conference, and meaningfully participate in the Initial Case  
15 Management Conference.

16 WE SO STIPULATE:

17 DATED: December 22, 2009 PALADIN LAW GROUP<sup>®</sup> LLP

18 /s/

19 \_\_\_\_\_  
Brian R. Paget  
Counsel for Richard and Lorraine Whitehurst

20 DATED: December 22, 2009 REED SMITH LLP

21 /s/

22 \_\_\_\_\_  
Todd O. Maiden  
Counsel for Bank of America, NA

23 DATED: December 22, 2009 BELZER, HULCHY & MURRAY

24 /s/

25 \_\_\_\_\_  
Bruce Cornelius  
Counsel for Charlotte Heintz

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27  
28 \_\_\_\_\_  
<sup>1</sup> Defendant Heintz sought and was given an extension to respond until January 13, 2010.



1 For good cause appearing, the Court hereby orders that the Initial Case Management Conference  
2 in this matter is continued from January 14, 2010 in Courtroom B, on the 15<sup>th</sup> Floor, in San Francisco,  
3 at 10:00 a.m., until:

4  February 11, 2010, in Courtroom B, on the 15<sup>th</sup> Floor, in San Francisco, at 10:00 a.m. and  
5 that all of the corresponding deadlines flowing therefrom are continued accordingly as  
6 provided by the Court's original Order Setting Initial Case Management Conference and  
7 ADR Deadlines (filed Oct. 8, 2009).

8  
9  \_\_\_\_\_ and  
10 that all of the corresponding deadlines flowing therefrom are continued accordingly as  
11 provided by the Court's original Order Setting Initial Case Management Conference and  
12 ADR Deadlines (filed Oct. 8, 2009).

13  
14 IT IS SO ORDERED.

15 DATED: December 28, 2009  
16 \_\_\_\_\_

17   
18 \_\_\_\_\_  
19 UNITED STATES MAGISTRATE JUDGE  
20 MARI-ELENA JAMES

