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 8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 RUSSELL and CONNIE SUTCLIFFE,
 11 individuals, and on their own behalf and on
 12 behalf of all others similarly situated,

13 **Plaintiffs,**

14 v.

15 GMAC MORTGAGE,

16 **Defendant.**

CLASS ACTION

Case No.: C10-001380JL

The Honorable James Larson

**JOINT STIPULATION AND ~~(PROPOSED)~~
 ORDER RESETTING HEARING DATE
 FOR DEFENDANT GMAC
 MORTGAGE’S MOTION TO COMPEL
 ARBITRATION AND STAY
 PROCEEDINGS AND EXTENDING TIME
 TO ANSWER OR OTHERWISE PLEAD**

Hearing Date: March 31, 2010

Time: 9:30 a.m.

Place: Courtroom F, San Francisco

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 23 The Parties, being in agreement, stipulate, pending the approval of this Court, to an Order
 24 resetting the hearing date on Defendant GMAC Mortgage’s Motion to Compel Arbitration and
 25 Stay Proceedings (“Motion to Compel Arbitration”), presently scheduled for March 31, 2010 at
 26 9:30 a.m. as follows:

- 27 1. The Motion to Compel Arbitration has been fully briefed, and the Court’s docket
 28 reveals that oral argument remains on the Court’s schedule.

1 2. The Parties respectfully request this Court continue the hearing to a date after April
2 27, 2010.

3 3. This request is made at Plaintiffs' counsel's request due to the Jewish holiday of
4 Passover and the birth of Plaintiff's California counsel's first child. It is not being made for the
5 purposes of delay.

6 4. Counsel for GMAC Mortgage does not oppose Plaintiffs' counsel's request to
7 reschedule the hearing on GMAC Mortgage's Motion to Compel Arbitration.

8 5. GMAC Mortgage requests an order extending the time for GMAC Mortgage to
9 answer or otherwise plead to the Complaint. GMAC Mortgage's deadline to answer or otherwise
10 plead to any claims that survive its Motion to Compel Arbitration should be set no later than
11 twenty-one (21) days following a decision by this Court on the Motion to Compel Arbitration.

12 6. Counsel for Plaintiff does not oppose GMAC Mortgage's request for an order
13 extending GMAC Mortgage's deadline to answer or otherwise plead.
14

15 **IT IS HEREBY AGREED:**

<p>16 By: <u>/s/ Sean Reis, Esq.</u> 17 Edelson McGuire, LLP 18 One of Plaintiff's Attorneys 19 30021 Tomas Street, Suite 300 20 Rancho Santa Margarita, CA 92688 21 714-352-5200 (phone) 22 714-352-5201 (fax) 23 sreis@edelson.com 24 David C. Parisi (SBN: 162248) 25 Suzanne L. Havens Beckman 26 Parisi & Havens LLP 27 15233 Valleyheart Drive 28 Sherman Oaks, CA 91403 Phone: (818) 990-1299 Fax: (818) 501-7852 dparisi@parisihavens.com</p>	<p>By: <u>/s/ Thomas J. Cunningham Esq.</u> Locke Lord Bissell & Liddell LLP 400 Capitol Mall, Suite 1460 Sacramento, CA 95814 916-554-0240 (phone) 916-554-5440 (fax) tcunningham@lockelord.com Simon A. Fleischmann Locke Lord Bissell & Liddell LLP 111 South Wacker Drive Chicago, IL 60606 312-443-0462 (phone) 312-896-6472 (fax) sflieschmann@lockelord.com Daniel Anthony Solitro Locke Lord Bissell & Liddell LLP 300 South Grand Avenue, Suite 2600 Los Angeles, CA 90071 213-485-1500 (phone) 213-485-1200 (fax) dsolitro@locklord.com</p>
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