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7 Attorneys for Defendants  
 BANK OF AMERICA, N.A. and  
 8 FIA CARD SERVICES, N.A.

9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**  
 11 **SAN FRANCISCO DIVISION**

11 PATRICIA VANHORN, RICHARD  
 12 ALBAUGH, AND PATRICK  
 MULCAHY, Individually and On Behalf  
 13 of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 BANK OF AMERICA, N.A.; FIA CARD  
 SERVICES, NATIONAL  
 17 ASSOCIATION; and DOES 1 - 100,

18 Defendants.

Case No. 3:10-cv-00653-JCS

**STIPULATION AND [~~PROPOSED~~]  
 ORDER REGARDING DEFENDANTS'  
 RESPONSE TO PLAINTIFFS' THIRD  
 AMENDED COMPLAINT AND CLASS  
 CERTIFICATION DEADLINE**

Magistrate Judge Joseph C. Spero

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1 Pursuant to Local Rule 7-12, this Stipulation is entered into by and among Plaintiffs  
2 Patricia Vanhorn, Richard Albaugh, and Patrick Mulcahy (“Plaintiffs”), and Defendants Bank of  
3 America, N.A. (BANA), and FIA Card Services, N.A. (“FIA Card Services”) (Plaintiffs and  
4 Defendants are collectively referred to as the “Parties”), through their respective counsel with  
5 reference to the following:

6 **RECITALS**

7 WHEREAS, on December 14, 2011, the Court issued an Order setting the deadline for  
8 Plaintiffs to move for class certification as August 1, 2012 (Dkt No. 119);

9 WHEREAS, on May 4, 2012, the Court issued an Order on Defendants’ Motion to  
10 Dismiss the Third Amended Complaint, granting Plaintiffs leave to amend their pleading in  
11 accordance with the Court’s Order (Dkt. No. 127);

12 WHEREAS, on May 15, 2012, the Court granted the parties’ stipulation to allow Plaintiffs  
13 up to June 11, 2012 to file an amended pleading (Dkt. No. 129);

14 WHEREAS, Plaintiffs have chosen not to amend the Third Amended Complaint and the  
15 only remaining Plaintiff is Richard Albaugh;

16 WHEREAS, the parties stipulate to extend Defendants’ time to respond to the Third  
17 Amended Complaint, as modified by the Court’s May 4, 2012 Order, and Plaintiff’s time to  
18 move for class certification; and

19 WHEREAS, Mr. Recor attests that concurrence in the filing of this document has been  
20 obtained from each of the signatories thereto.

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**STIPULATIONS**

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the parties to this action through their undersigned counsel that, with the Court’s approval:

1. Defendants will file an answer to the Third Amended Complaint by July 11, 2012.
2. Plaintiff Richard Albaugh will file a motion for class certification by October 1, 2012.

DATED: June 14, 2012

GLANCY BINKOW & GOLDBERG LLP

By : */s/ Kevin Ruf*

Kevin Ruf

*Attorneys for Plaintiffs Patricia Vanhorn,  
Richard Albaugh, and Patrick Mulcahy*

DATED: June 14, 2012

BRYAN CAVE LLP

By: */s/ Brian J. Recor*

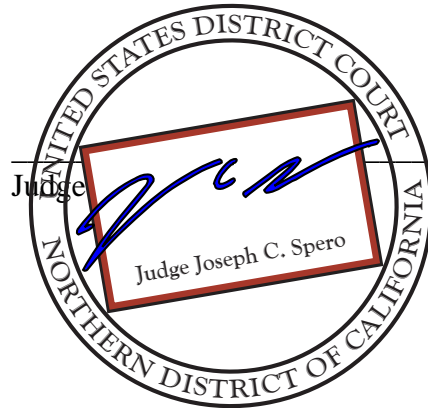
Brian J. Recor

*Attorneys for Defendants Bank of America, N.A.,  
and FIA Card Services, N.A.*

**PROPOSED ORDER**

PURSUANT TO STIPULATION, AND FOR GOOD CAUSE APPEARING, IT IS SO ORDERED.

Dated: June 15, 2012



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**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 120 Broadway, Suite 300, Santa Monica, California 90401-2386.

On June 14, 2012, I served the foregoing document, described as: **STIPULATION AND [PROPOSED] ORDER REGARDING DEFENDANTS' RESPONSE TO PLAINTIFFS' THIRD AMENDED COMPLAINT AND CLASS CERTIFICATION DEADLINE**, on each interested party in this action, as follows:

Kevin F. Ruf (SBN 136901)  
Marc L. Godino (SBN 182689)  
Coby M. Turner (SBN 266298)  
GLANCY BINKOW & GOLDBERG LLP  
1801 Avenue of the Stars, Suite 311  
Los Angeles, CA 90067  
Telephone: 310-201-9150  
Facsimile: 310-201 -9160  
E-mail: info@glancylaw.com

(VIA MAIL) I placed a true copy (or original) of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Bryan Cave LLP, Santa Monica, California. I am readily familiar with Bryan Cave LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

(VIA UPS OVERNIGHT) I deposited in a box or other facility maintained by FedEx, an express carrier service, or delivered to a courier or driver authorized by said express carrier service to receive documents, a true copy of the foregoing document, in an envelope designated by said express service carrier, with delivery fees paid or provided for.

(BY CM/ECF) The document was served via The United States District Court –Central District's CM/ECF electronic transfer system which generates a Notice of Electronic Filing (NEF) upon the parties, the assigned judge and any registered user in the case. Each transmission was reported as complete and without error.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on June 14, 2012 at Santa Monica, California.

/s/ Alicia Moore  
Alicia Moore