

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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7 Attorneys for Defendants,
Bank of America Corporation and
8 FIA Card Services, N.A.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 STEVEN M. CHAVEZ, individually and on
behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 BANK OF AMERICA CORPORATION;
15 INTERSECTIONS INC.; FIA CARD
SERVICES, NATIONAL ASSOCIATION; and
16 DOES 1 - 100,
Defendants.

Case No. 3:10-CV-653

[Assigned to Judge Joseph C. Spero]

**STIPULATION AND ~~PROPOSED~~
ORDER TO FURTHER EXTEND
RESPONDENTS' TIME TO RESPOND
TO THE COMPLAINT PURSUANT TO
CIVIL L.R. 6-1(a)**

Complaint Served: March 5, 2010

Current Response Date: April 26, 2010

New Response Date: May 24, 2010

Complaint Filed: February 16, 2010

Trial Date: None Set

1 Pursuant to Local Rules 6.1(b) and 6-2, the parties hereby stipulate to request that this Court
2 enter an order to further extend the time for the Defendants who will have been served on or before
3 April 24, 2010, to respond to Plaintiff’s Complaint filed on February 16, 2010. This Stipulation is
4 entered into by and among Plaintiff Steven Chavez (“Chavez”) and Respondents Intersections Inc.
5 (“Intersections”), Bank of America Corporation (“Bank of America”) and FIA Card Services,
6 National Association (“FIA”) (Plaintiff and Respondents are collectively referred to hereafter as the
7 “Parties”), through their respective counsel with reference to the following:

8
9 **RECITALS**

10 WHEREAS, Plaintiff filed his Class Action Complaint for Equitable Relief in this matter on
11 or about February 16, 2010;

12 WHEREAS, Plaintiff served his Class Action Complaint on Bank of America on or about
13 March 3, 2010;

14 WHEREAS, Plaintiff served his Class Action Complaint on Intersections on or about March
15 5, 2010;

16 WHEREAS, Plaintiff served his Class Action Complaint on FIA on or before April 21, 2010;

17 WHEREAS, on March 22, pursuant to stipulation of the Parties and Civil Local Rule 6-1(a),
18 this Court ordered that the date for Bank of America and Intersections to respond to the Complaint
19 be extended to April 2, 2010;

20 WHEREAS, on March 26, pursuant to stipulation of the Parties, this Court ordered that the
21 date for Bank of America and Intersections to respond to the Complaint be extended to April 26,
22 2010;

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1 WHEREAS, the Parties are conducting ongoing factual investigations that may lead to
2 amendment of the Complaint;

3 WHEREAS, the Parties are conducting ongoing negotiations that may lead to early settlement
4 of this litigation;

5 WHEREAS, the Parties now wish to stipulate to an additional extension of time for all
6 Defendants to serve their answers or other responsive pleadings (*i.e.*, from April 26, 2010 to May 24,
7 2010);

8 WHEREAS, Civil Local Rules 6-1(b) and 6-2 allow the Parties to request a Court Order to
9 enlarge the time within which to answer or otherwise respond to the Complaint by written
10 stipulation; and

11 WHEREAS, the requested extension would have no effect on the schedule for the case or any
12 date set by the Court;

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the Parties to this action through their undersigned counsel to request that this Court order that all Respondents' answers or other responsive pleadings shall be filed on or before May 24, 2010.

This Stipulation is being promptly filed pursuant to Civil L.R. 5 of the Northern District of California.

DATED: April 21, 2010

REED SMITH LLP

/s/ Ann K. Miller

David C. Powell
Heather Hoesterey
Ann K. Miller
Attorneys for Defendant
Bank of America Corporation and
FIA Card Services, N.A.

DATED: April 21, 2010

ARENT FOX LLP

/s/ Drew R. Hansen

Drew R. Hansen
Attorneys for Defendant
INTERSECTIONS INC.

DATED: April 21, 2010

GLANCY BINKOW & GOLDBERG LLP

/s/ Marc L. Godino

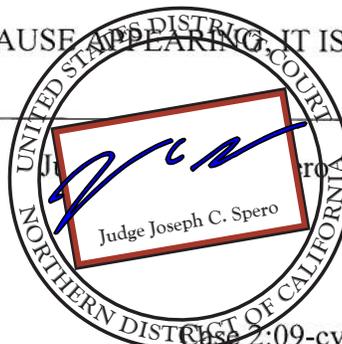
Kevin Ruf
Marc L. Godino
Coby M. Vink
Attorneys for Plaintiff
Steven Chavez

~~PROPOSED~~ ORDER

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

April 22, 2010

Date



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1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a
 3 party to the within action. My business address is REED SMITH LLP, 1510 Page Mill Road, Suite
 4 110, Palo Alto, California 94304. On April 21, 2010, I served the following document(s) by the
 method indicated below:

5 **STIPULATION TO FURTHER EXTEND RESPONDENTS' TIME TO RESPOND TO**
 6 **COMPLAINT**

- 7 BY CM/ECF ELECTRONIC DELIVERY: In accordance with the registered case
 participants and in accordance with the procedures set forth at the United States District
 Court, Northern District of California, Website www.ecf.cand.uscourts.gov.
- 8 by transmitting via facsimile on this date from fax number 213.457.8080 the document(s)
 9 listed above to the fax number(s) set forth below. The transmission was completed
 before 5:00 p.m. and was reported complete and without error.
- 10 by placing the document(s) listed above in a sealed envelope with postage thereon fully
 prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
 11 I am readily familiar with the firm's practice of collection and processing of
 12 correspondence for mailing. Under that practice, it would be deposited with the U.S.
 Postal Service on that same day with postage thereon fully prepaid in the ordinary course
 of business. I am aware that on motion of the party served, service is presumed invalid if
 13 the postal cancellation date or postage meter date is more than one day after the date of
 deposit for mailing in this Declaration.
- 14 by placing the document(s) listed above in a sealed envelope(s) and by causing personal
 15 delivery of the envelope(s) to the person(s) at the address(es) set forth below. A signed
 proof of service by the process server or delivery service will be filed shortly.
- 16 by placing the document(s) listed above in a sealed envelope(s) and consigning it to an
 17 express mail service for guaranteed delivery on the next business day following the date
 of consignment to the address(es) set forth below.

18 **SERVICE LIST ATTACHED**

- 19 [Federal] I declare under penalty of perjury under the laws of the United States that the
 20 foregoing is true and correct.

21 Executed on April 21, 2010, at Palo Alto, California.

22 _____
 /s/ Ann K. Miller
 Ann K. Miller

SERVICE LIST

<p>BY ELECTRONIC DELIVERY Kevin F. Ruf (SBN 136901) Marc L. Godino (SBN 182689) Coby M. Vink (SBN 266298) Glancy Binkow & Goldberg LLP 1801 Avenue of the Stars, Suite 311 Los Angeles, CA 90067</p>	<p>Attorneys for Plaintiff, Steven Chavez Telephone: 310-201-9150 Facsimile: 310-201-9160</p>
<p>BY ELECTRONIC DELIVERY Drew R. Hansen (SBN 218382) Hansen.Drew@arentfox.com Steven A. Haskins (SBN 238865) Haskins.Steven@arentfox.com ARENT FOX LLP 555 West Fifth Street, 48th Floor Los Angeles, CA 90013-1065</p>	<p>Attorneys for Respondent, Intersections, Inc. Telephone: 213.629.7400 Facsimile: 213.629.7401</p>

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