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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 Magistrate Judge Joseph C. Spero]

**STIPULATION AND ~~PROPOSED~~  
 ORDER TO EXTEND CASE SCHEDULE  
 PURSUANT TO CIVIL L.R. 6-1(b)**

Complaint Served: March 5, 2010

Current Scheduled Date for Case  
 Management Conference: May 28, 2010

New Date for Case Management Conference:  
 July 2, 2010

**Complaint Filed: February 16, 2010**  
**Trial Date: None Set**

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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 the case schedule. This Stipulation is entered into by and among Plaintiff  
3 Steven Chavez (“Chavez”) and Respondents Intersections Inc. (“Intersections”), Bank of America  
4 Corporation (“Bank of America”) and FIA Card Services, National Association (“FIA”) (Plaintiff  
5 and Respondents are collectively referred to hereafter as the “Parties”), through their respective  
6 counsel with reference to the following:

7  
8 **RECITALS**

9  
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 about 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;

23 WHEREAS, on April 22, pursuant to stipulation of the Parties, this Court ordered that the  
24 date for all Defendants to respond to the Complaint be extended to May 24, 2010;

25 WHEREAS, the current scheduled “last day” for the parties to meet and confer regarding  
26 initial disclosures, early settlement, ADR process selection and discovery plan, and the current  
27 scheduled date for the parties to file ADR Certifications and Stipulation to ADR Process or Notice of  
28 Need for ADR Phone Conference is May 7, 2010;

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1 WHEREAS, the current scheduled “last day” for the parties to file their Rule 26(f) Reports,  
2 complete initial disclosures and file Case Management Statement is May 21, 2010;

3 WHEREAS, the current scheduled date for the parties’ Initial Case Management Conference  
4 is May 28, 2010;

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

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

9 WHEREAS, several of the existing scheduled dates now precede the date by which  
10 Defendants must serve their answers or other responsive pleadings;

11 WHEREAS, Civil Local Rules 6-1(b) and 6-2 allow the Parties to request a Court Order to  
12 enlarge the time that would affect the date of an event or deadline already fixed by Court order, or  
13 that would accelerate or extend time frames set in the Local Rules or in the Federal Rules;

14 WHEREAS, the requested extension would move the scheduled date for the Initial Case  
15 Management Conference and preceding, dependent deadlines as currently set by the Court back by  
16 34 days; and

17 WHEREAS, the requested extension would not affect any other deadlines as a trial date has  
18 not been set;

19  
20 **STIPULATION**

21  
22 NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the Parties to this  
23 action through their undersigned counsel to request that this Court order that

- 24 • the last day for the parties to meet and confer regarding initial disclosures, early  
25 settlement, ADR process selection and discovery plan, the date for the parties to file  
26 ADR Certifications and Stipulation to ADR Process or Notice of Need for ADR  
27 Phone Conference shall be June 11, 2010;
- 28 • the last day for the parties to file their Rule 26(f) Reports, complete initial disclosures

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1 and file Case Management Statement shall be ~~June 25, 2010~~, and  
 2 • the Initial Case Management Conference shall be ~~July 2, 2010~~ <sup>July 16, 2010</sup> at 1:30 p.m. in  
 3 Courtroom A, 15<sup>th</sup> Floor in the Northern District of California's San Francisco  
 4 courthouse.

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

8 DATED: May 5, 2010

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9 /s/ Ann K. Miller  
 10 David C. Powell  
 11 Heather Hoesterey  
 12 Ann K. Miller  
 13 Attorneys for Defendant  
 14 Bank of America Corporation and  
 15 FIA Card Services, N.A.

14 DATED: May 5, 2010

ARENT FOX LLP

15 /s/ Drew R. Hansen  
 16 Drew R. Hansen  
 17 Attorneys for Defendant  
 18 INTERSECTIONS INC.

18 DATED: May 5, 2010

GLANCY BINKOW & GOLDBERG LLP

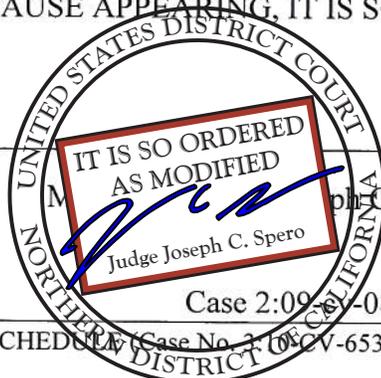
19 /s/Marc L. Godino  
 20 Kevin Ruf  
 21 Marc L. Godino  
 22 Coby M. Vink  
 23 Attorneys for Plaintiff  
 24 Steven Chavez

**PROPOSED ORDER**

24 PURSUANT TO STIPULATION, AND FOR GOOD CAUSE APPEARING, IT IS SO ORDERED.  
 25 AS MODIFIED.

26 May 6, 2010

27 Date



28 Joseph C. Spero

**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is REED SMITH LLP, 1510 Page Mill Road, Suite 110, Palo Alto, California 94304. On May 5, 2010, I served the following document(s) by the method indicated below:

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

- 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.
- by transmitting via facsimile on this date from fax number 213.457.8080 the document(s) 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.
- 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. I am readily familiar with the firm's practice of collection and processing of 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 the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in this Declaration.
- by placing the document(s) listed above in a sealed envelope(s) and by causing personal 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.
- by placing the document(s) listed above in a sealed envelope(s) and consigning it to an express mail service for guaranteed delivery on the next business day following the date of consignment to the address(es) set forth below.

**SERVICE LIST ATTACHED**

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

Executed on May 5, 2010, at Palo Alto, California.

\_\_\_\_\_  
/s/ Ann K. Miller  
Ann K. Miller

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**SERVICE LIST**

<p><b>BY ELECTRONIC DELIVERY</b>                  Kevin F. Ruf (SBN 136901)                  Marc L. Godino (SBN 182689)                  Coby M. Vink (SBN 266298)                  Glancy Binkow &amp; 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><b>BY ELECTRONIC DELIVERY</b>                  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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