

1 John Hendrickson (SBN 257298)
 Hendrickson Legal Services
 2 703 Second Street, Fourth Floor
 Santa Rosa, CA 95404
 3 (707)284-3808 (707)313-0161 - FAX
 pleadings@hendricksonlegal.com

4 Attorney for Plaintiffs

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

12 STEVEN YEAGER and MARINA LUNA,

13 Plaintiffs,

14 v.

15 PNC MORTGATE, a Delaware LLC dba
 NATIONAL CITY MORTGAGE, and DOES
 16 1 – 25, inclusive,

17 Defendants.

) Case No.: 3:10-CV-01195 SI
)
) Sonoma Superior Court No.: SCV-246724

) **STIPULATION FOR LEAVE TO**
) **AMEND THE COMPLAINT**

) The Honorable Susan Illston
) Courtroom 10, 19th Floor

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22 **RECITALS**

23 TO THIS HONORABLE COURT AND TO ALL PARTIES AND THEIR RESPECTIVE
 24 COUNSEL OF RECORD:

25 WHEREAS, Plaintiffs STEVEN YEAGER and MARINA LUNA (Plaintiffs) filed a
 26 California Judicial Council Form Complaint against PNC MORTGAGE (Defendant) for violation of
 27 the Truth in Lending Act on February 1, 2010 as case number SCV-246724.
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1 WHEREAS, Defendant Filed a Notice of Removal with the above entitled Court on March
2 22, 2010 as case number 4:10-CV-01195 LB.

3 WHEREAS, Defendant Filed a Motion to Dismiss Plaintiffs' Complaint [12(b)(6)] with the
4 above entitled Court on or about March 28, 2010.

5 WHEREAS, the parties stipulated to continuing the hearing on Defendant's Motion to
6 Dismiss Plaintiff's Complaint on or about May 18, 2010 and set for hearing on July 16, 2010.

7 WHEREAS, Plaintiffs' California Judicial Council Form Complaint is deficient in making a
8 short and plain statement of the nature of the Complaint against Defendant.

9 WHEREAS, the parties have mutually stipulated that Plaintiffs be allowed to file a First
10 Amended Complaint.

11 WHEREAS, this stipulation does not waive any of PNC's rights to file a motion to dismiss
12 and/or to strike with respect to the First Amended Complaint.

13 This Stipulation is made by and between Plaintiffs STEVEN YEAGER and MARINA
14 LUNA ("Plaintiffs") and Defendant PNC BANK, NATIONAL ASSOCIATION ("PNC") by and
15 through their respective counsel of record. Plaintiffs and PNC agree to stipulate that Plaintiffs be
16 granted leave to amend their Complaint to be filed with this Court within 15 (fifteen) days of the
17 granting of leave to amend.
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22 DATE: June 25, 2010

WOLFE & WYMANN LLP

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24 By: */s/ Joshua M. Bryan

25 Joshua M. Bryan

26 * permission obtained via email approval 6/25/10

27 **Attorneys for Defendant PNC Bank, N.A.**
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DATE: June 28, 2010

HENDRICKSON LEGAL SERVICES

By: /s/ John Hendrickson
John Hendrickson, Attorney for Plaintiffs
Steven Yeager and Marina Luna

ORDER ON STIPULATION

The Court having reviewed the stipulation of Plaintiffs and PNC, and good cause appearing therefore, ORDERS that Plaintiffs are granted leave to amend the Complaint and file Plaintiffs' First Amended Complaint within 15 (fifteen) days of the signing of this order.

IT IS SO ORDERED.

DATE: _____



Judge of the District Court