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5 Attorneys for Defendants
 6 Mark J. Immel and Sandra M. Penner

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10
 11 BANK OF AMERICA, N.A., a Delaware
 corporation,

12 Plaintiffs,

13 vs.

14 MARK J. IMMEL, an individual; and
 15 SANDRA M. PENNER, an individual,

16 Defendants.
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CASE No. 10-C-02483-CRB

Reassigned to Hon. Charles R. Breyer
 and to Duty Judge Jeffrey S. White

**STIPULATION AND ~~[Proposed]~~
 ORDER RE: MODIFYING ,
 PRELIMINARY INJUNCTION
 HEARING DATE, BRIEFING
 SCHEDULE, DISCOVERY
 COMPLETION DATE AND
 EXTENDING TIME FOR
 DEFENDANTS TO FILE A
 RESPONSE TO PLAINTIFF'S
 COMPLAINT**

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 21 Plaintiff Bank of America, N.A. (“Bank of America”), Defendant Mark J. Immel
 22 (“Immel”) and Defendant Sandra M. Penner (“Penner”) (Bank of America, Immel and
 23 Penner are collectively referred to as “the Parties”) through their respective counsel of
 24 record, hereby stipulate and agree as follows:

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 STIPULATION and [Proposed] ORDER RE: MODIFYING BRIEFING SCHEDULE

CASE No. 10-C-02483-CRB

1 1. WHEREAS on June 11, 2010, United States District Judge Jeffrey S. White
2 issued a Temporary Retraining Order & Order to Show Cause Re Preliminary Injunction, set
3 an Order to Show Cause Re Preliminary Injunction hearing date on July 9, 2010 at 10:00 a.m.
4 in the Courtroom of the Hon. Charles R. Breyer, set a discovery completion date of June 25,
5 2010 and set the following briefing schedule for the hearing on the Order to Show Cause Re
6 Preliminary Injunction:

7 June 30, 2010 Plaintiff's Opening Brief due by 12pm;
8 July 2, 2010 Defendants' Opposition Brief due by 12pm; and
9 July 7, 2010 Plaintiff's Reply Brief due by 12pm.

10 With courtesy copies of the briefs due in chambers by 1pm on the dates listed above;

11 2. WHEREAS, the Parties are in the midst of settlement discussions and judicial
12 economy and the interests of justice would be best served by vacating the current Order to
13 Show Cause Re Preliminary Injunction hearing date, discovery completion date, briefing
14 dates and Defendants' response filing date and setting new dates as agreed to by the Parties;

15 3. WHEREAS, there have been no other time modifications in this case and the
16 requested time modification will not materially affect the schedule for the case.

17 **IT IS HEREBY STIPULATED AND AGREED** that:

18 The Order to Show Cause Re Preliminary Injunction hearing date shall be
19 August 6, 2010 at 10:00 a.m. in the Courtroom of the Hon. Charles R. Breyer;

20 Discovery must be completed by July 23, 2010;

21 The Parties are subject to the following briefing schedule:

22 July 28, 2010 Plaintiff's Opening Brief due by 12pm;
23 July 30, 2010 Defendants' Opposition Brief due by 12pm; and
24 August 4, 2010 Plaintiff's Reply Brief due by 12pm.

25 With courtesy copies of the briefs due in chambers by 1pm on the dates listed above;

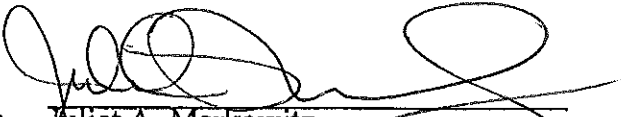
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1 Defendants shall have up to and including July 9, 2010 in which to file and
2 serve their response to Plaintiff's complaint;

3 IT IS SO STIPULATED:

4
5
6 Dated: 6/25/10

TATRO TEKOSKY SADWICK LLP

7
8
9 By: 
10 Juliet A. Markowitz
René P. Tatro
Attorneys for Plaintiff Bank of America, N.A.

11 Dated: _____

ST. JOHN, WALLACE, BRENNAN
& FOLAN LLP

12
13
14 By: _____
15 Patrick J. Folan
16 Michael R. Minguet
17 Attorneys for Defendants
Mark J. Immel and Sandra M. Penner

18 **PROPOSED ORDER MODIFYING**
19 **ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION HEARING**
20 **DATE, BRIEFING SCHEDULE, DISCOVERY COMPLETION DATE AND**
21 **EXTENDING TIME FOR DEFENDANTS TO FILE**
22 **RESPONSE TO COMPLAINT**

- 23 A. The hearing on the Order to Show Cause Re Preliminary Injunction shall be
24 on August 6, 2010 at 10:00 a.m. in the Courtroom of the Hon. Charles R.
25 Breyer, located at 450 Golden Gate Ave., 19th Floor, San Francisco, CA
26 94102;
- 27 B. The following briefing schedule will govern the Order to Show Cause Re
28 Preliminary Injunction:
July 28, 2010 Plaintiff's Opening Brief due by 12pm;

STIPULATION and [Proposed] ORDER RE: MODIFYING BRIEFING SCHEDULE
CASE No. 10-C-02483-CRB

1 Defendants shall have up to and including July 9, 2010 in which to file and
2 serve their response to Plaintiff's complaint;

3 IT IS SO STIPULATED:
4
5

6 Dated: _____ TATRO TEKOSKY SADWICK LLP
7

8 By: _____
9 Juliet A. Markowitz
10 René P. Tatro
11 Attorneys for Plaintiff Bank of America, N.A.

12 Dated: _____ ST. JOHN, WALLACE, BRENNAN
& FOLAN LLP
13

14 By: _____ /s/
15 Patrick J. Folan
16 Michael R. Minguet
17 Attorneys for Defendants
18 Mark J. Immel and Sandra M. Penner

19 **PROPOSED ORDER MODIFYING**
20 **ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION HEARING**
21 **DATE, BRIEFING SCHEDULE, DISCOVERY COMPLETION DATE AND**
22 **EXTENDING TIME FOR DEFENDANTS TO FILE**
23 **RESPONSE TO COMPLAINT**

24 A. The hearing on the Order to Show Cause Re Preliminary Injunction shall be
25 on August 6, 2010 at 10:00 a.m. in the Courtroom of the Hon. Charles R.
26 Breyer, located at 450 Golden Gate Ave., 19th Floor, San Francisco, CA
27 94102;

28 B. The following briefing schedule will govern the Order to Show Cause Re
Preliminary Injunction:

July 28, 2010 Plaintiff's Opening Brief due by 12pm;

STIPULATION and [Proposed] ORDER RE: MODIFYING BRIEFING SCHEDULE

CASE No. 10-C-02483-CRB

1 July 30, 2010 Defendants' Opposition Brief due by 12pm; and

2 August 4, 2010 Plaintiff's Reply Brief due by 12pm.

3 With courtesy copies of the briefs due in chambers by 1pm on the dates listed above;

4 C. Discovery shall be completed by July 23, 2010; and

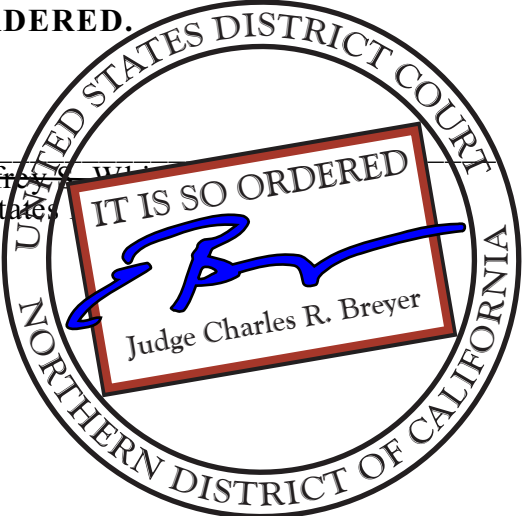
5 D. Defendants shall have up to and including July 9, 2010 in which to file and
6 serve a response to Plaintiff's complaint;

7 E. All other terms of the Court's June 11, 2010 Temporary Retraining Order &
8 Order to Show Cause Re Preliminary Injunction shall remain in effect pending the hearing
9 on the Order to Show Cause Re Preliminary Injunction, case resolution or Defendants'
10 motion to dissolve or modify the Temporary Retraining Order & Order to Show Cause Re
11 Preliminary Injunction.

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13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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15 Dated: June 28, 2010

16 ~~Hon. Jeffrey G. Miller~~
17 ~~United States District Judge~~



18 ...Citi...Immel...Stip.Modify.Brief.Sched.wpd
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