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9 Attorneys for Defendants
10 BAC HOME LOANS SERVICING, LP, RECONTRUST COMPANY, N.A. and WELLS
FARGO BANK, N.A. AS TRUSTEE FOR SECURITIZED ASSET BACK RECEIVABLES,
11 LLC 2005-HEI MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HEI

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14
15 ALBERT RUBIO; and SHANNON RUBIO,
16 Plaintiffs,
17 vs.
18 BAC HOME LOANS SERVICING, LP,
RECONTRUST COMPANY, N.A., WELLS
19 FARGO BANK, N.A. AS TRUSTEE FOR
SECURITIZED ASSET BACK
20 RECEIVABLES, LLC 2005-HEI
MORTGAGE PASS-THROUGH
21 CERTIFICATES, SERIES 2005-HEI;
HOMEQ SERVICING CORPORATION; and
22 DOBS 1 through 100, Inclusive,
23 Defendants.

Case No. 3:10-cv- 05618 MEJ

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER EXTENDING DEFENDANTS'
TIME TO RESPOND TO COMPLAINT
AND EXTENDING PLAINTIFFS' TIME
TO MOVE FOR REMAND**

[N.D. Local Rules 6-1(a), 7-1]

STIPULATION

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Defendants BAC Home Loans Servicing, LP, ReconTrust Company, N.A., and Wells Fargo Bank, N.A., as Trustee, (“Defendants”) and Plaintiffs Albert and Shannon Rubio (“Plaintiffs”) by and through their counsel of record, hereby stipulate and agree as follows:

1. Plaintiffs filed their Complaint against Defendants on October 29, 2010;
2. On December 10, 2010, Defendants timely removed this action to this Court from the Superior Court of California, County of Contra Costa;
3. The original deadline to file a responsive pleading to Plaintiffs’ Complaint was December 17, 2010, and thus this joint stipulation for an extension to respond is entered into and filed before the deadline;
4. The stipulated extension to respond will not result in prejudice to any party and its potential impact on judicial proceedings is insignificant;
5. Plaintiffs and Defendants, by and through their undersigned counsel, stipulate and agree that the deadline for Defendants’ response to Plaintiff’s Complaint shall be extended to and including January 17, 2011.
6. Plaintiffs and Defendants, by and through their undersigned counsel, further stipulate and agree, subject to applicable law, to extend the deadline for a motion to remand pursuant to 28 U.S.C. § 1447(c) to and including February 10, 2011.

Nothing in this stipulation shall constitute a waiver of any arguments or defenses that Defendants may wish to assert in their responsive pleadings, all of which are expressly reserved. This stipulation shall not constitute any party’s consent to either removal or remand, nor waive any defenses or arguments that any party may have relating thereto.

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IT IS SO STIPULATED.

Dated: December 17, 2010

REYES LAW GROUP

Steven Kitagawa

Rogi M. Sanchez

By: 

Rogi M. Sanchez

Attorneys for Plaintiffs

ALBERT & SHANNON RUBIO

Dated: December 17, 2010

BRYAN CAVE LLP

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Andrea M. Hicks

By: 

Andrea M. Hicks

Attorneys for Defendants

BAC HOME LOANS SERVICING, LP,
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LLC 2005-HEI MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-HEI

~~PROPOSED~~ ORDER


Having read and considered the Stipulation and all papers submitted by the parties in support, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

The Stipulation to extend time to file a motion for remand is granted. Plaintiff shall have to and including February 10, 2011, to file a motion to remand the case.

IT IS SO ORDERED.

December 20, 2010


Magistrate Judge Maria-Elena James
United States District Court
Northern District of California