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ATTORNEYS FOR PLAINTIFF

14 **IN THE UNITED STATES DISTRICT COURT**
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 TINA M. UBALDI,)
 18 on behalf of herself and all others)
 19 similarly situated,)
 20 Plaintiff,)
 21 v.)
 22 SLM CORPORATION,)
 23 d/b/a SALLIE MAE, INC.,)
 24 d/b/a SALLIE MAE SERVICING,)
 a Delaware corporation)
 Defendant.)

Case No. 3:11-cv-01320 EDL

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PLAINTIFF'S
FILING OF HER FIRST AMENDED
COMPLAINT

25 WHEREAS, on May 27, 2011, Defendant SLM Corporation filed a Motion to Dismiss
 26 Plaintiff's Complaint for failure to state a claim pursuant to Fed.R.Civ.P. 12(b)(6). Doc. 15.
 27

1 WHEREAS, on June 15, 2011, the Court Ordered that Plaintiff respond to Defendant's
2 Motion to Dismiss by August 30, 2011. Doc. 22.

3 WHEREAS, on August 29, 2011, Plaintiff filed a First Amended Class Action Complaint for
4 Damages, Equitable, Declaratory and Injunctive Relief. Doc. 25.

5 WHEREAS, on September 2, 2011, the Court entered an Order requiring the Parties to either
6 stipulate to the filing of the First Amended Complaint, or for Plaintiff to seek leave of Court to file
7 the First Amended Complaint. Doc. 26.

8 WHEREAS, on September 6, 2011, counsel for Plaintiff, Janet Lindner Spielberg, attempted
9 to contact counsel for Defendant, David W. Moon, regarding the filing of a stipulation.

10 WHEREAS, on September 7, 2011, Janet Lindner Spielberg and David W. Moon conferred
11 regarding the filing of Plaintiff's First Amended Complaint.

12 WHEREAS, the Parties agreed that no motion needs to be filed for the purpose of Plaintiff
13 filing the First Amended Complaint; that Defendant's Motion to Dismiss the original complaint shall
14 be withdrawn; and that Defendant shall have until and including October 7, 2011 to respond to the
15 First Amended Complaint.

16 IT IS HEREBY STIPULATED by and between the Parties, through their respective counsel
17 of record, that Plaintiff's First Amended Complaint shall be deemed properly filed and is the
18 operative complaint in this action; that Defendant's Motion to Dismiss is withdrawn; and that

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1 Defendant shall have until and including October 7, 2011 to respond to the First Amended
2 Complaint.

3 DATED: September 7, 2011

LAW OFFICE OF JANET LINDNER
SPIELBERG

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5 By: s/ Janet Lindner Spielberg
Janet Lindner Spielberg

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10 *Attorneys for Plaintiff*

11 DATED: September 7, 2011

12 STROOCK & STROOCK & LAVAN LLP
13 JULIA B. STRICKLAND
LISA M. SIMONETTI
14 DAVID W. MOON

15 By: s/ David W. Moon
David W. Moon

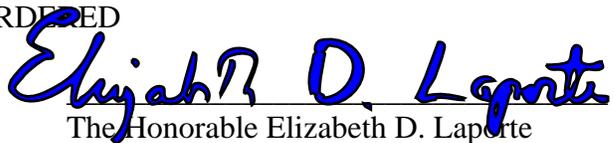
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20 *Attorneys for Defendant SLM Corporation*

21
22
23 **[PROPOSED] ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED

25 Dated: September 8, 2011

26 
The Honorable Elizabeth D. Laporte