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22 UNITED STATES DISTRICT COURT  
23 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

24 RICHARD PEY,

25 Plaintiff,

26 vs.

27 WACHOVIA MORTGAGE  
28 CORPORATION; WELLS FARGO  
BANK, N.A.; NDEX WEST LLC; and  
DOES 1-20, Inclusive,

Defendants.

CASE NO. 11-CV- 02922 SC

**STIPULATION TO EXTEND TIME  
TO FILE MOTION TO DISMISS  
AND ORDER THEREON**

Current Response Date: July 27, 2011  
New Response Date: August 5, 2011

STIPULATION TO EXTEND TIME TO FILE MOTION TO DISMISS

Plaintiff Richard Pey and Defendant NDeX WEST, LLC (“NDeX”) through their respective counsel of record, hereby stipulate to extend the date for NDeX to file a Motion to Dismiss in response to Plaintiff’s initial Complaint to and including August 5, 2011. In return, NDeX agreed to postpone the sale of the property at issue from July 29, 2011 to no earlier than nine (9) days after the Court issues its ruling on plaintiff’s motion for preliminary injunction, which is scheduled to be heard on September 23, 2011.

Dated: July 28, 2011

BARRETT DAFFIN FRAPPIER TREDER &  
WEISS, LLP

Dated: July 28, 2011

By: /s/ Masumi J. Patel  
 MASUMI J. PATEL, Attorneys for Defendant  
 NDeX WEST, LLC

**IT IS HEREBY ORDERED** that Defendant NDeX WEST, LLC has an extension of time to August 5, 2011, to file its Motion to Dismiss in response to the Complaint in this matter.

DATED: \_\_\_\_\_

STIPULATION TO EXTEND TIME TO FILE MOTION TO DISMISS

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**CERTIFICATE OF SERVICE**

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the city of Diamond Bar, California; my business address is 20599 Pathfinder Road; Ste 300; Diamond Bar, CA., County of Los Angeles.

On the date below, I served a copy of the following document(s):

**STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT BY NOT  
MORE THAN 30 DAYS (L.R. 8-3)**

on all interested parties in said case addressed as follows:

**Served Electronically Via The Court's CM/ECF System:**

Counsel for Defendants:

Wachovia Mortgage Corporation and Wells Fargo Bank, NA.

**Raymond Mark Collins, Esq., (rcollins@afrcf.com)**

ANGLIN FLEWELLING RASMUSSEN

CAMPBELL & TRYTTEN, LLP

199 S. Los Robles Avenue, Ste 600

Pasadena, CA 91101

*Plaintiffs*

**Nelson W. Goodell, Esq., (nelson.goodell@gmail.com)**

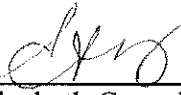
The Goodell Law Firm

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San Francisco, CA 94111

**BY MAIL:** By placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Diamond Bar, California, in sealed envelopes with postage fully thereon.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. This declaration is executed in Diamond Bar, California, on **August 2, 2011**

  
\_\_\_\_\_  
Elizabeth Gonsalves

STIPULATION TO EXTEND TIME TO FILE MOTION TO DISMISS