

1 EDWARD A. TREDER
2 State Bar No. 116307
3 MASUMI J. PATEL
4 State Bar No. 233921
5 BARRETT DAFFIN FRAPPIER
6 TREDER & WEISS, LLP
7 20955 Pathfinder Road, Suite 300
8 Diamond Bar, CA 91765
9 (626) 915-5714 – Phone
10 (626) 915-0289 – Fax
11 File No. 20090015002404

12 Attorneys for Defendant NDeX WEST, LLC

13 NELSON W. GOODELL
14 Stat Bar No. 264734
15 THE GOODELL LAW FIRM
16 1750 Montgomery Street, Suite 139
17 San Francisco, California 94101
18 Tel: (415) 954-7151
19 Fax: (415) 954-7150
20 goodelllawfirm@gmail.com

21 Attorneys for Plaintiff Richard Pey

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

24 RICHARD PEY,

25 CASE NO. 11-CV- 02922 SC

26 Plaintiff,

27 **STIPULATION TO EXTEND TIME
28 TO FILE MOTION TO DISMISS
29 AND ORDER THEREON**

30 vs.
31 WACHOVIA MORTGAGE
32 CORPORATION; WELLS FARGO
33 BANK, N.A.; NDEX WEST LLC; and
34 DOES 1-20, Inclusive,

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

37 Defendants.

38 STIPULATION TO EXTEND TIME TO FILE MOTION TO DISMISS

**TO THE HONORABLE COURT, PLAINTIFF AND HIS COUNSEL OF
RECORD:**

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.

GOODELL LAW FIRM

Dated: July 28, 2011

By: /s/ Nelson W. Goodell
NELSON W. GOODELL, Attorneys for Plaintiff
RICHARD PEY

BARRETT DAFFIN FRAPPIER TREDER &
WEISS, LLP

Dated: July 28, 2011

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

ORDER

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

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@afret.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

1750 Montgomery Street, Ste 139

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