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6 Attorneys for Defendants  
 JPMorgan Chase Bank, N.A.  
 7 and Chase Bank USA, N.A.

Attorneys for Plaintiffs  
 Patricia McNeary-Calloway, Colin  
 MacKinnon, Terrie MacKinnon, Andrea  
 North, and Sheila M. Mayko  
 [Additional counsel listed on signature page]

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

13 PATRICIA MCNEARY-CALLOWAY, COLIN  
 MACKINNON, TERRIE MACKINNON,  
 14 ANDREA NORTH, and SHEILA M. MAYKO,  
 individually and on behalf of all others similarly  
 15 situated,

16 Plaintiffs,

v.

17 JPMORGAN CHASE BANK, N.A. and CHASE  
 18 BANK USA, N.A.,

19 Defendants.

Case No. C 11-03058 JCS

**JOINT STIPULATION AND  
 [PROPOSED] ORDER TO STAY  
 CASE PENDING MEDIATION AND  
 TO SET TIME TO RESPOND TO  
 COMPLAINT**

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1 Defendants JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. (“Chase” or  
2 “Defendants”) and Plaintiffs Patricia McNeary-Calloway, Colin MacKinnon, Terrie MacKinnon,  
3 Andrea North, and Sheila M. Mayko (“Plaintiffs”) (together with Defendants, the “Parties”)  
4 respectfully submit the following Joint Stipulation to Stay the Case Pending Mediation and Set  
5 Time to Respond to Complaint.

6 WHEREAS, the Court issued an order granting in part and denying in part Defendants’  
7 Motion to Dismiss Plaintiffs’ First Amended Complaint on March 26, 2012 (the “March 26,  
8 2012 Order”), ECF No. 62;

9 WHEREAS, pursuant to the Court’s March 26, 2012 Order, Plaintiffs had 30 days to file  
10 an amended complaint, but have decided to stand on their First Amended Complaint, as modified  
11 by the March 26, 2012 Order;

12 WHEREAS, the Parties have met and conferred regarding potential mediation of the  
13 dispute and an appropriate time for Defendants to respond to the operative Complaint;

14 WHEREAS, after conferring in good faith, the Parties have agreed, subject to court  
15 approval, that mediation prior to the further expenditure of additional time and resources of the  
16 Parties and the Court would be helpful in attempting to reach an early resolution of the Action;  
17 and,

18 WHEREAS, the Parties accordingly stipulate and agree that the case should be stayed  
19 pending private mediation, which the Parties agree will begin within 60 days of the date of entry  
20 of this Order, and that Defendants’ response date should be extended to 30 days following the  
21 termination of the mediation. Either Party or the selected private mediator may declare the  
22 mediation terminated by written correspondence of such declaration to the mediator and other  
23 Party.

24 **IT IS HEREBY STIPULATED AND AGREED, AND RESPECTFULLY**  
25 **REQUESTED, AS FOLLOWS:**

26 The case shall be stayed pending the Parties’ mediation. The Parties shall engage in  
27 mediation within 60 days of entry of this Order, or as otherwise set by the Court, in front of a  
28 mutually-acceptable mediator. If any Party and/or the selected mediator informs the Court that

1 the mediation was unsuccessful and terminated, Defendants shall respond to Plaintiffs' First  
2 Amended Complaint, as modified by the March 12, 2012 Order, within 30 days after the filing of  
3 such a termination notice with the Court.

4 **IT IS SO STIPULATED.**

5 DATED: May 2, 2012

Respectfully submitted,

6 Bingham McCutchen LLP

7  
8 By: /s/ Zachary J. Alinder

Peter Obstler  
Zachary J. Alinder  
Attorneys for Defendants  
JPMorgan Chase Bank, N.A.  
and Chase Bank USA, N.A.

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11 DATED: May 2, 2012

12  
13 By: /s/ Edward W. Ciolko

Edward W. Ciolko  
Terence S. Ziegler  
Donna Siegel Moffa  
Amanda R. Trask  
Ramzi Abadou  
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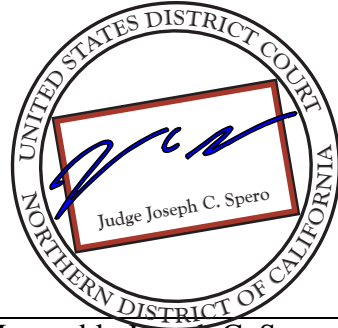
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PATRICIA McNEARY-CALLOWAY, COLIN  
27 MACKINNON, TERRIE MACKINNON, ANDREA  
28 NORTH and SHEILA M. MAYKO

1 PURSUANT TO STIPULATION, IT IS SO ORDERED



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6 Dated: 5/3/12

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Honorable Joseph C. Spero  
United States District Magistrate Judge

