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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 SARIQUE, ELGIN AND DAISY, individuals,
17 Plaintiffs,
18 v.
19 BANK OF AMERICA, N.A. (A.K.A. BANK
OF AMERICA HOME LOANS), a
20 Corporation, NATIONAL BANK
ASSOCIATION, a Corporation; PRLAP
21 INC., a Corporation; and DOES 1 through 50,
inclusive,
22 Defendants.
23

Case No. 3:11-cv-03641-JCS

**JOINT STIPULATION EXTENDING
DEFENDANTS' TIME TO RESPOND TO
COMPLAINT AND CONTINUING THE
CASE MANAGEMENT CONFERENCE**

[L.R. 6-1(a)]

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STIPULATION

Defendants Bank of America, N.A. and PRLAP, Inc. (“Defendants”), and Plaintiffs Elgin Sarique and Daisy Sarique (“Plaintiffs”), by and through their counsel of record, hereby stipulate and agree as follows:

1. Defendants Bank of America, N.A. and PRLAP, Inc. removed this matter from Santa Clara County Superior Court on July 25, 2011.
2. The parties previously stipulated to five extensions for Defendants to respond to the Complaint 15 days to August 16, 2011, 60 days to October 17, 2011, 90 days to January 13, 2012 90 days to April 12, 2012 and 120 days to August 10, 2012.
3. The parties continue to look into the possibility of settling this matter through a loan modification along with dismissing the matter without prejudice. As of this date, the modification review process is still ongoing.
4. In order to continue the current settlement discussions, reduce cost of litigation for both parties, and potentially unburden the Court’s docket, Plaintiffs grant Defendants an extension to respond to their Complaint. Thus, instead of responding to the Complaint on August 10, 2012, the parties agree that Defendants’ time to file and serve their response to the Complaint is extended 119 days to December 7, 2012.
5. A Case Management Conference is scheduled for August 31, 2012.
6. The parties agree that a Case Management Conference on this date would be premature in light of current settlement discussions and the fact that Defendants have not yet responded to the Complaint.
7. The parties agree to continue the Case Management Conference to a date after December 7, 2012, the deadline for Defendants to respond to the Complaint.
8. The parties believe that the later case management conference will prevent unnecessary consumption of expense and time to both the parties and judicial resources.
9. The stipulation will not result in prejudice to any party and its impact on judicial proceedings is not expected to be significant.

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10. Nothing in this stipulation shall constitute a waiver of any arguments or defenses that Defendants or Plaintiffs may wish to assert in their pleadings, all of which are expressly reserved.

IT IS SO STIPULATED.

Dated: July 27, 2012

LAW OFFICES OF KENNETH GRAHAM

By: /s/ Kenneth R. Graham
Kenneth R. Graham
Attorney for Plaintiffs
ELGIN SARIQUE and DAISY SARIQUE

Dated: July 27, 2012

BRYAN CAVE LLP
C. Scott Green
Andrea Hicks
Edward Chung

By: /s/ Edward Chung
Edward Chung
Attorneys for Defendants
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PROPOSED ORDER

Having reviewed the stipulation of Plaintiffs ELGIN SARIQUE and DAISY SARIQUE and Defendants BANK OF AMERICA, N.A. and PRLAP, INC. and good cause appearing,

IT IS HEREBY ORDERED THAT the deadline for Defendants to respond to Plaintiffs' Complaint is extended 120 days from December 7, 2012.

IT IS HEREBY ORDERED that the Case Management Conference is rescheduled to December 7, 2012. The joint case management conference statement shall be due by 11/30/12.

Dated: 8/2/12

