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

17 IN RE: BANK OF AMERICA CREDIT
 18 PROTECTION MARKETING & SALES
 19 PRACTICES LITIGATION

MDL Docket No. 2269-TEH

19 This Document Relates To:

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20 BLANCHE MELENDEZ, individually and on
 21 behalf of all other similarly situated,

Case No. 3:11-cv-04575-TEH

22 Plaintiff,

CLASS ACTION

23 v.

**STIPULATION TO EXTEND TIME FOR
 DEFENDANTS TO RESPOND TO
 PLAINTIFF'S CLASS ACTION
 COMPLAINT**

24 BANK OF AMERICA, N.A.; BANK OF
 25 AMERICA CORPORATION; and FIA CARD
 26 SERVICES, N.A.

Defendants.

Judge: The Honorable Thelton E. Henderson

1 Pursuant to Local Rule 6-1(a), defendants Bank of America Corporation, Bank of America,
2 N.A., and FIA Card Services, N.A. (collectively, “Defendants”) and plaintiff Blanche Melendez
3 (“Plaintiff”) stipulate as follows:

4 WHEREAS, on or about August 5, 2011, Plaintiff filed her complaint in *Melendez v. Bank*
5 *of America, N.A., et al.*, Case No. 11-CV-5467 (the “*Melendez* action”), in the United States
6 District Court for Southern District of New York;

7 WHEREAS, on August 26, 2011, the Judicial Panel on Multidistrict Litigation (“JPML”)
8 made the *Melendez* action subject to a conditional transfer order to be coordinated in this Court
9 with *In re: Bank of America Credit Protection Marketing & Sales Practices Litigation*, Case No.
10 11-MD-2260 (“MDL action”);

11 WHEREAS, on September 15, 2011, the *Melendez* action was finally transferred and given
12 the individual case number in this Court of 11-cv-04575-TEH;

13 WHEREAS, pursuant to Defendants’ agreement to waive service on August 23, 2010,
14 Defendants’ response to Plaintiff’s complaint is currently due on or before October 22, 2011;

15 WHEREAS, an initial Case Management Conference (“CMC”) is scheduled in the MDL
16 action on November 14, 2011;

17 WHEREAS, this Court’s Order Setting the Case Management Conference stayed all
18 discovery and denied without prejudice all currently pending motions with leave to re-file after the
19 CMC (Dkt. 11 ¶ 11);

20 WHEREAS, Defendants’ counsel contacted Plaintiff’s counsel on October 18, 2011 to
21 discuss an extension of its deadline to respond to the Complaint until after the CMC;

22 WHEREAS, the Parties met and conferred regarding Defendants’ requested extension, and
23 have agreed that good cause exists to extend Defendants’ deadline to respond to the Complaint as
24 any motion or responsive pleading filed by Defendants prior to the CMC would be contrary to the
25 spirit of the Court’s CMC Order and potentially would waste the Court and the parties’ resources.
26 Thus, in the interest of judicial efficiency, the Parties have agreed that Defendants’ response to the
27 Complaint should be due on a date determined at the CMC;

28 WHEREAS, no party will be prejudiced by this extension of time;

1 WHEREAS, the continuance will not alter the date of any event or deadline already fixed
2 by this Court;

3 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between counsel
4 for Plaintiff and counsel for Defendants, that Defendants' response to the *Melendez* Complaint
5 will be due at a date to be determined at the MDL Case Management Conference.

6 IT IS SO STIPULATED.

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Respectfully submitted,

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Dated: October 20, 2011

By: s/ Eric I. Goldberg _____

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Dated: October 20, 2011

By: s/Gregory Link _____

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