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11 [ADDITIONAL COUNSEL LISTED IN SIGNATURE
BLOCK]

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 MANUEL CABRERA individually and behalf
16 of the general public and a class of similarly
17 situated,

18 Plaintiffs,

19 v.

20 COUNTRYWIDE HOME LOANS INC. d/b/a
 America's Wholesale Lender; BANK OF
 21 AMERICA INC.; BAC HOME LOAN
 SERVICING LP f/k/a Countrywide Home
 Loans Servicing LP

22 Defendants.
23

Case No. 3:11-cv-04869-SI

**STIPULATION REGARDING REQUEST
 TO CONTINUE FURTHER CASE
 MANAGEMENT CONFERENCE**

Date: July 12, 2013
 Time: 3:00 p.m.
 Courtroom: 10
 Judge: Hon Susan Illston
 450 Golden Gate Avenue
 San Francisco, CA 94102

1 **STIPULATION**

2 Plaintiff Manuel Cabrera (“Plaintiff” or “Cabrera”), and Defendant Bank of America,
3 N.A., successor by merger to BAC Home Loan Servicing LP¹ (“Defendant”), (collectively with
4 Plaintiff, the “parties”) join in this stipulated request pursuant to Civil Local Rule 7-1 to continue
5 the Further Case Management Conference scheduled for Friday July 12, 2013 in order for the
6 parties to document their agreed-upon settlement and file an appropriate stipulated dismissal order
7 with the Court.

8 WHEREAS, on September 30, 2011 Plaintiff filed his Class Action Complaint
9 (“Complaint”) against Defendant. *See* Docket No. 1.

10 WHEREAS, on July 25, 2012 Plaintiff filed his Amended Class Action Complaint
11 (“FAC”) against Defendant. *See* Docket No. 22.

12 WHEREAS, on August 22, 2012 Defendants filed their Motion to Dismiss the amended
13 Complaint (“FAC”). *See* Docket No. 33.

14 WHEREAS, on October 30, 2012 the Court issued an order granting in part and denying in
15 part Defendants’ Motion to Dismiss the FAC. *See* Docket No. 40.

16 WHEREAS, on November 28, 2012 Plaintiff filed his Second Amended Class Action
17 Complaint (“SAC”) against Defendant. *See* Docket No. 43.

18 WHEREAS, on December 21, 2012 Defendants filed their Motion to Dismiss the SAC.
19 *See* Docket No. 46.

20 WHEREAS, on April 2, 2013 the Court issued an order granting in part and denying in
21 part Defendants’ Motion to Dismiss the SAC. *See* Docket No. 64.

22 WHEREAS, on April 16, 2013 Defendants filed an answer to the SAC denying all
23 liability. *See* Docket No. 65.

24 WHEREAS, on May 6, 2013 the Court issued an order scheduling a Further Case
25 Management Conference for July 12, 2013. *See* Docket No. 67.

26
27 ¹ To the extent previously named-defendants Countrywide Home Loans Inc. d/b/a America’s
28 Wholesale Lender, and “Bank of America Inc.,” have not already been dismissed from this
litigation, they join in this stipulation.

1 WHEREAS, on June 25, 2013, the parties conducted a mediation before the Hon. David
2 Garcia (ret.) and reached an agreement to settle this litigation and dismiss this matter with
3 prejudice.

4 WHEREAS, the parties are currently drafting the settlement paperwork and anticipate
5 filing a stipulation of dismissal with prejudice with the Court within the next sixty (60) days.

6 WHEREAS there is a strong judicial policy in favor of amicable resolutions through
7 settlements and the parties agree that a sixty day continuation of the Further Case Management
8 Conference is appropriate in order to allow the parties to complete settlement documentation.

9 NOW THEREFORE, by and through their respective counsel of record, the parties hereby
10 stipulate and agree that the Further Case Management Conference currently scheduled for July 12,
11 2013 be continued for a period of at least sixty (60) days.

12 IT IS SO STIPULATED.

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Respectfully submitted,

Dated: July 3, 2013

By: /s/ Julio J. Ramos (with Permission)
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Dated: July 3, 2013

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[PROPOSED] ORDER

Upon consideration of the parties' Joint Stipulation Regarding Request to Continue Scheduling Conference, IT IS HEREBY ORDERED THAT the Stipulation is GRANTED.

The July 12, 2013 case management conference is continued for at least sixty (60) days pending that parties' submission of a stipulation of dismissal or some other further submission of the parties.

PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: 7/8, 2013

HON SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

The Case Management conference is continued to 9/20/13 at 3:00 p.m.

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ATTESTATION OF SIGNATURE

(N.D. Cal. General Order No. 45)

Pursuant to N.D. Cal. General Order No. 45 § X(B), I hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained by all the signatories.

/s/ Brooks R. Brown
(Signature)

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PROOF OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on **July 3, 2013**.

/s/ Brooks R. Brown
(Signature)