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Attorneys for Defendants

JPMORGAN CHASE BANK, N.A. (erroneously named as Chase Bank); and QUALITY LOAN SERVICE CORP., INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOSEPH O. OIYEMHONLAN, *an individual* and
MARTHA OIYEMHONLAN, *an individual*,

Plaintiffs,

vs.

JP MORGAN MORTGAGE ACQUISITION
CORP., *business entity unknown*; QUALITY
LOAN SERVICE CORP., *business entity
unknown*; and DOES 1 through 100,

Defendants.

Case No. 3-11-CV-06622 EDL

**JOINT STIPULATION TO STAY
PROCEEDINGS FOR SIXTY DAYS AND
~~PROPOSED~~ ORDER AS MODIFIED**

Judge: Magistrate Elizabeth D. LaPorte

Date Action Filed: November 18, 2011

Date Action Removed: December 22, 2011

BRYAN CAVE LLP
2 EMBARCADERO CENTER, SUITE 1410
SAN FRANCISCO, CA 94111

STIPULATION

1
2 Plaintiffs Joseph and Martha Oiyemhonlan (“Plaintiffs”) and Defendants JP MORGAN
3 CHASE BANK, N.A. (“Chase”) and QUALITY LOAN SERVICE CORP., INC. (collectively
4 “Defendants”) by and through their respective counsel, STIPULATE and AGREE as follows:

5 WHEREAS Plaintiffs filed a complaint in the Superior Court of the County of Alameda
6 on November 18, 2011;

7 WHEREAS, on November 22, 2011 in the Superior Court of the County of Alameda,
8 Plaintiffs obtained an *ex parte* temporary restraining order (“TRO”) enjoining the Trustee’s sale of
9 the real property at 27535 Orlando Avenue in Hayward, California (the “Property”);

10 WHEREAS Defendants removed the action to this Court pursuant to the provisions of 28
11 U.S.C.section 1441(b) on December 22, 2011;

12 WHEREAS Defendants filed a Motion to Dismiss Plaintiffs’ Complaint on December 29,
13 2011;

14 WHEREAS Defendants’ reply in response to any opposition to Defendants’ Motion to
15 Dismiss is due on January 19, 2011;

16 WHEREAS the hearing on Defendants’ Motion to Dismiss is set for February 14, 2012;

17 WHEREAS the Case Management Conference is presently scheduled for April 3, 2012.

18 WHEREAS the parties wish to stay all proceedings in this matter until March 19, 2012,
19 including hearings, briefings, appearances and any other deadlines imposed by law or the Court,
20 pending a determination by Defendant Chase of Plaintiffs’ suitability for loan modification, which
21 is economically and judicially efficient;

22 WHEREAS the parties stipulate and agree that Plaintiffs’ time to file an Opposition to
23 Defendants’ Motion to Dismiss is extended to March 19, 2012;

24 WHEREAS the parties further stipulate and agree that Defendants’ time to file a reply in
25 support of their Motion to Dismiss will be extended to March 27, 2012 or seven (7) days prior to a
26 hearing date as the Court determines, pending a determination by Chase of Plaintiffs’ suitability
27 for loan modification;

1 WHEREAS the parties further stipulate and agree that Defendants' hearing on
2 Defendants' Motion to Dismiss be continued to April 3, 2012 or anytime thereafter as the Court
3 determines;

4 WHEREAS Defendant further agrees to postpone any foreclosure proceedings on the liens
5 associated with the loan for the subject property located at 27535 Orlando Avenue in Hayward,
6 California, pending a determination by Chase on Plaintiffs' loan modification application;

7 WHEREAS Plaintiffs understand that Defendant Chase has made no guarantee that
8 Plaintiffs will be granted a loan modification and that Chase is under no obligation to provide
9 Plaintiffs with a loan modification;

10 WHEREAS the parties further stipulate and agree that the extension requested herein is
11 not requested for purposes of delay and will not result in any prejudice to the parties or to the
12 Court;

13 **IT IS THEREFORE STIPULATED AND AGREED** by Plaintiffs and Defendants, by
14 and through their respective counsel, and the Court is respectfully requested to order that:

- 15 1. This action is hereby stayed until March 19, 2012;
- 16 2. The deadline for Plaintiffs to file their Opposition to the Motion to Dismiss shall be
17 extended to March 19, 2012;
- 18 3. The deadline for Defendants to file their reply to Plaintiffs' Opposition to the
19 Motion to Dismiss shall be extended to March 27, 2012;
- 20 4. The hearing on the motion to dismiss shall be continued to April 3, 2012;
- 21 5. The case management conference shall be continued to April 24, 2012 or anytime
22 thereafter as determined by the Court;
- 23 6. The TRO obtained by Plaintiffs in the Superior Court in the County of Alameda
24 shall remain in effect until this Court makes a determination on the TRO, or by

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1 further agreement by the parties.

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3 **IT IS SO STIPULATED.**

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5 Dated: January 17, 2012

BEDI & JOHNSON

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8 By: /s/ Lyle W. Johnson
Lyle W. Johnson
9 Attorneys for Plaintiffs
10 JOSEPH and MARTHA OIYEMHONLAN

11 Dated: January 17, 2012

BRYAN CAVE LLP

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13 By: /s/ Yvonne P. Greer
Yvonne P. Greer
14 Attorneys for Defendant
15 JPMORGAN CHASE BANK, N.A and QUALITY
16 LOAN SERVICE CORP., INC.

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ATTESTATION PURSUANT TO GENERAL ORDER 45

19 I, Yvonne P. Greer, attest that concurrence in the filing of this document has been obtained
20 from each of the signatories. I declare under penalty of perjury under the laws of the United States
21 of America that the foregoing is true and correct. Executed on January 17, 2012, at San Francisco,
22 California.

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24 /S/ Yvonne P. Greer
Yvonne P. Greer

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~~PROPOSED~~ ORDER

The Court, having reviewed the parties' Stipulation, hereby orders as follows:

1. This action is hereby stayed until March 19, 2012;
2. The deadline for Plaintiffs to file their Opposition to Defendants' Motion to Dismiss is extended to March 19, 2012
3. The deadline for Defendants to file their Reply to Plaintiffs' Opposition to the Motion to Dismiss shall be extended to March 27, 2012;
4. The hearing on the motion to dismiss shall be continued to April 24, 2012; at 9:00 a.m.
5. The TRO shall remain in effect until further determination by this Court on the TRO if the hearing date is re-noticed by Plaintiffs or by further agreement of the parties;
6. The case management conference shall be continued to April 24, 2012 at 9:00 a.m. ~~2:00 p.m.~~
or _____.

IT IS SO ORDERED.

Dated: January 23, 2012

By: Elijah R. D. Legarte

JUDGE OF THE U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA