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15 *Attorneys for Plaintiffs and the Proposed Class*

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18

19 CAROL DUKE AND JACK POSTER, ON
 20 BEHALF OF THEMSELVES AND ALL
 OTHERS SIMILARLY SITUATED,

21 Plaintiffs,

22 v.

23 BANK OF AMERICA, N.A.; BANK OF
 24 AMERICA CORPORATION; AND FIA
 CARD SERVICES, N.A.,

25 Defendants.
 26

Case No. 3:12-cv-04009-TEH

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING DEFENDANTS'
 ANSWER AND AFFIRMATIVE
 DEFENSES**

1 Carol Duke and Jack Poster (“Plaintiffs”) and Defendants Bank of America, N.A., Bank
2 of America Corporation, and FIA Card Services, N.A. (“Defendants”), through their undersigned
3 counsel, hereby stipulate as follows:

4 WHEREAS, on July 30, 2012, Plaintiffs filed their Class Action Complaint (the
5 “Complaint”) (Dkt. No. 1);

6 WHEREAS, on August 27, 2012, Defendants filed their Answer to Complaint (the
7 “Answer”) (Dkt. No. 10), alleging 24 separate affirmative defenses;

8 WHEREAS, on August 31, 2012 (Dkt. No. 11), Defendants filed a Motion to Dismiss
9 pursuant to the First-to-File Rule, or in the alternative, Stay Action;

10 WHEREAS, Defendants’ Motion is scheduled to be heard on Monday, October 15, 2012;

11 WHEREAS, the parties have met and conferred regarding Defendants’ affirmative
12 defenses; and

13 WHEREAS, the parties agree that all parties and the Court would benefit from a short
14 extension until November 14, 2012 of the deadline for Plaintiffs to file a motion to strike any
15 insufficient defenses pursuant to Rule 12(f) of the Federal Rules of Civil Procedure.

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between
17 Plaintiffs, by their undersigned counsel, and Defendants, by their undersigned counsel, that, if
18 Plaintiffs opt to move to strike any defense(s) in the Answer, Plaintiffs’ deadline to file any such
19 motion pursuant to Rule 12(f) of the Federal Rules of Civil Procedure shall be extended until
20 November 14, 2012.

1 Dated: September 14, 2012

Respectfully submitted,

2 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

3 By: /s/ Daniel M. Hutchinson

4 Daniel M. Hutchinson

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18 Dated: September 14, 2012

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28 *America Corporation; and FIA Card Services, N.A.*

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~~PROPOSED~~ ORDER

FOR GOOD CAUSE APPEARING AND PURSUANT TO THE
STIPULATION, IT IS SO ORDERED.

Dated: _____ 09/17 _____, 2012

