

1 [Counsel listed on next page]

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**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

CYNTHIA BROOKS, and JACOB SWOYER )  
on Behalf of Themselves and All Others )  
Similarly Situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
U.S. BANK, N.A., )  
 )  
 )  
Defendant. )

**Case No. C12-4935 EMC (JSC)**  
[Assigned for all purposes to the Honorable  
Edward M. Chen]

**STIPULATION REGARDING STAY;  
ORDER**

Complaint Filed August 21, 2012

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20 Attorneys for Defendant  
21 U.S. BANK, N.A.

1 Plaintiffs CYNTHIA BROOKS and JACOB SWOYER (collectively “Plaintiffs”) and  
2 Defendant U.S. BANK, N.A. (“Defendant”) (collectively “Parties”) hereby stipulate as follows:

3 **WHEREAS**, Defendant filed a Motion to Dismiss and/or Strike on August 30, 2013 (Dkt.  
4 37);

5 **WHEREAS**, Plaintiffs filed their opposition to Defendant’s Motion to Dismiss and/or Strike  
6 on September 13, 2013 (Dkt. 38);

7 **WHEREAS**, Defendant’s reply in support of its Motion to Dismiss and/or Strike on August  
8 30, 2013 is due on September 20, 2013 pursuant to Northern District of California Local Rule 7-3(c);

9 **WHEREAS**, the hearing on Defendant’s Motion to Dismiss and/or Strike is currently set for  
10 October 17, 2013 at 1:30 p.m.;

11 **WHEREAS**, a further Case Management Conference is currently set for October 17, 2013 at  
12 10:30 a.m.;

13 **WHEREAS**, the Parties have been working towards a resolution of this case with the  
14 assistance of Magistrate Judge Corley;

15 **WHEREAS**, the Parties expect to enter into a written settlement, which they will submit for  
16 preliminary approval with the Court;

17 **NOW, THEREFORE**, the Parties hereby stipulate to and request an Order setting forth the  
18 following:

- 19 1. The hearing regarding Defendant’s Motion to Dismiss and/or Strike and the further Case  
20 Management Conference are continued to December 5, 2013 at 1:30 p.m.; and
- 21 2. The deadline for Defendant to file its reply in support of its Motion to Dismiss and/or  
22 Strike is continued to November 21, 2013;
- 23 3. The case is stayed pending settlement; and
- 24 4. Discovery is stayed pending settlement.

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Dated: September 20, 2013

Dated: September 20, 2013

By:           /s/Danielle Leonard            
Danielle Leonard

By:           /s/Joan B. Tucker Fife            
Joan B. Tucker Fife

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Attorneys for Defendant U.S. Bank, N.A

Attorneys for Plaintiff

*Pursuant to N.D. Cal. L.R. 5-1(i)(3), the  
filer attests that concurrence  
in the filing of this document has been  
obtained from the above signatory.*

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**ORDER**

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

Dated: September<sup>24</sup>, 2013

