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[Counsel listed on next page]

**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 FILING OF  
PRELIMINARY APPROVAL MOTION;  
[PROPOSED] ORDER**

Complaint Filed August 21, 2012

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

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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**, on September 23, 2013, the Parties informed the Court that they expected to  
4 enter into a written settlement agreement and would submit a motion for preliminary approval of that  
5 settlement, and therefore requested that certain case deadlines be continued and/or stayed (Dkt. 40);

6 **WHEREAS**, the Parties continue to work toward finalizing a written settlement, and believe  
7 they are very close to the final form of an agreement, which they will submit for preliminary  
8 approval with the Court;

9 **WHEREAS**, Defendant’s counsel has informed Plaintiffs’ counsel that a further draft will be  
10 exchanged by close of business on December 16, 2013;

11 **WHEREAS**, the Court has previously set a filing date for the preliminary approval motion  
12 of December 12, 2013 and a hearing date of February 6, 2014 at 1:30 p.m.;

13 **WHEREAS**, the Parties agree that the filing date of December 12, 2013 is not feasible, and  
14 jointly request that the filing date be changed to December 19, 2013;

15 **WHEREAS**, a filing date of December 19, 2013, is still more than 35 days prior to the  
16 hearing date of February 6, 2014;

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

- 19 1. Plaintiffs will file a Motion for Preliminary Approval of the proposed settlement no later  
20 than December 19, 2013; and
- 21 2. There will be no change in the scheduled hearing date for Plaintiffs’ Motion for  
22 Preliminary Approval, set for February 6, 2014.

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1 Dated: December 12, 2013

Dated: December 12, 2013

2 /s/ Harvey Sohnen  
3 By: Harvey Sohnen

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

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

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

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**ORDER**

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

Dated: December <sup>16</sup>\_\_, 2013

