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 JOSEPH and LINDA BOESSENECKER

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 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **OAKLAND DIVISION**

18 JOSEPH and LINDA BOESSENECKER,) Case No. C 13 0491 MMC
)
 19 Plaintiffs,) **STIPULATION AND ~~PROPOSED~~ ORDER**
) **TO CONTINUE HEARING DATE AND**
 20 vs.) **DEADLINE TO OPPOSE MOTION FOR**
) **LEAVE TO FILE THIRD AMENDED**
 21 JPMORGAN CHASE BANK, N.A.,) **COMPLAINT**
)
 22 Defendant.) Date: June 27, 2014
) Time: 9:00 a.m.
 23) Place: Courtroom 7

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 25 Plaintiffs JOSEPH and LINDA BOESSENECKER (“Plaintiffs”) and Defendants
 26 JPMORGAN CHASE BANK, N.A. (“Chase”) (collectively, the “Parties”), by and through their
 27 counsel of record, hereby stipulate and agree as follows:

28 WHEREAS, Plaintiffs filed a Motion for Leave to File a Third Amended Complaint

1 (the "Motion") on June 4, 2014, and the Motion hearing date is currently scheduled for June 27, 2014
2 at 9:00 a.m. in Courtroom 7 of the above-entitled Court, Judge Maxine M. Chesney presiding;

3 WHEREAS, Plaintiffs did not provide Chase with sufficient notice of the Motion
4 hearing date pursuant to Local Rule 7-2.

5 WHEREAS, Chase's deadline to file an Opposition to the Motion is currently June 17,
6 2014;

7 WHEREAS, Plaintiffs' deadline to file a Reply in support of the Motion is currently
8 June 24, 2014; and

9 WHEREAS, the Parties are currently engaged in settlement discussions and therefore
10 wish to continue the above deadlines, in the interest of judicial economy and to facilitate settlement
11 discussions;

12 NOW THEREFORE, the Parties stipulate and agree as follows:

13 The Parties request that the hearing on the Motion be continued to August 1, 2014, with
14 Chase's Opposition due on July 18, 2014, and Plaintiffs' Reply due on July 25, 2014.

15 IT IS SO STIPULATED.

16
17 DATED: June 16, 2014

/s/ Jessica Luhrs
PHILIP A. MCLEOD
JESSICA LUHRS
KEESAL, YOUNG & LOGAN
Attorneys for Defendant
JPMORGAN CHASE BANK, N.A.

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22 DATED: June 16, 2014

/s/ Tiffany Norman
TIFFANY NORMAN
TRN LAW ASSOCIATES
Attorney for Plaintiffs
JOSEPH and LINDA BOESSENECKER

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26 *I, Jessica Luhrs attest that concurrence in the filing of this document has been obtained from*
27 *each of the signatories. I declare under penalty of perjury under the laws of the United States of*
28 *America that the foregoing is true and correct.*

1 **[PROPOSED] ORDER**

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3 Pursuant to the stipulation of the Parties and good cause appearing, it is hereby
4 ORDERED that:


5 1. The hearing on Plaintiffs' Motion for Leave to File a Third Amended
6 Complaint shall be continued to August 8, 2014 at 9:00 a.m.; ¹

7 2. Chase's Opposition to Plaintiffs' Motion for Leave to File a Third Amended
8 Complaint shall be due on July 18, 2014; and

9 3. Plaintiffs' Reply in support of their Motion for Leave to File a Third Amended
10 Complaint shall be due on July 25, 2014.

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12 **IT IS SO ORDERED.**

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14 DATED: June 17, 2014

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16 THE HONORABLE MAXINE M. CHESNEY
17 UNITED STATES DISTRICT COURT JUDGE

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25 ¹ The hearing date selected by the parties, August 1, 2014, is one week after the date they selected
26 for the reply and, consequently, is not in compliance with the Civil Local Rules of this District, which
27 contemplate a period of at least 14 days between the filing of a reply and the hearing date. See
28 Civil L.R. 7-2(a) (providing motion must be noticed for hearing "not less than 35 days after service
of the motion"); Civil L.R. 7-3(a)-(c) (requiring opposition to be filed "not more than 14 days after
the motion was filed" and reply to be filed "not more than 7 days after the opposition was due").