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5 Attorney for Defendant  
 Bank of America, N.A.  
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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10  
 11 SEAN L. GILBERT, on behalf of  
 himself and all persons similarly  
 12 situated,

13 Plaintiff,

14 v.

15 BANK OF AMERICA, N.A., et al.,

16 Defendants.  
 17

) Case No. 3:13-cv-01171-JSW

) Assigned to: Hon. Jeffrey S. White

) **STIPULATION AND ~~PROPOSED~~**  
**ORDER CONTINUING DEADLINE**  
**TO RESPOND TO COMPLAINT**

1 Defendant Bank of America, N.A., through its counsel, Defendants Aaron  
2 Shoaf, Effective Marketing Solutions, LLC, MoneyMutual, LLC, London Bay  
3 Capital, LLC, Selling Source, LLC, Montel Williams, and Glenn McKay, through  
4 their counsel, and Plaintiff Sean L. Gilbert, through his counsel, hereby stipulate as  
5 follows:

6 **WHEREAS:**

7 A. Plaintiff intends to file a motion to remand this action to the Superior  
8 Court of the State of California, in and for the County of Alameda (hereafter, the  
9 “Alameda Superior Court”), for lack of subject matter jurisdiction;

10 B. Defendants presently intend to oppose that motion;

11 C. The current deadline for Defendants to respond to the Complaint by way  
12 of an answer, motion, or otherwise is April 30, 2013;

13 D. The parties agree that any responses by Defendants to the Complaint  
14 should be postponed until twenty (20) days after a ruling denying a motion to remand  
15 or, in the event this action is remanded, after re-docketing of the action in the  
16 Alameda Superior Court, subject to order of either this Court or the Alameda  
17 Superior Court;

18 E. Defendants enter into this stipulation without waiving any procedural or  
19 substantive defenses not previously waived, including (if applicable) their ability to  
20 challenge service of process and personal jurisdiction; and

21 F. Plaintiff enters into this stipulation while expressly reserving his right to  
22 oppose any motions filed by Defendants in response to the Complaint.

23 **NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED, AGREED,**  
24 **AND STIPULATED** by all parties that Defendants’ responses to the Complaint, by  
25 way of answer or otherwise, shall be postponed until twenty (20) days after a ruling  
26 denying a motion to remand or, in the event this action is remanded, after re-  
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1 docketing of the action in the Alameda Superior Court, subject to any further order of  
2 either this Court or the Alameda Superior Court.  
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1 Respectfully submitted,

2 DATED: April 24, 2013

3 By: /s/ Sean A. Commons

4 Sean A. Commons  
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7 555 West Fifth Street, Suite 4000  
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11 *Counsel for Defendant Bank of America, N.A.*

12 DATED: April 24, 2013

13 By: /s/ Donald J. Putterman

14 Donald J. Putterman  
15 dputterman@plglawyers.com  
16 PUTTERMAN LOGAN & GILES, LLP  
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21 *Counsel for Defendants Aaron Shoaf; Effective  
22 Marketing Solutions, LLC; MoneyMutual,  
23 LLC; London Bay Capital, LLC; Selling  
24 Source, LLC; Montel Williams; and Glenn  
25 McKay*

26 DATED: April 24, 2013

27 By: /s/ Jeffrey Wilens

28 Jeffrey Wilens  
jeff@lakeshorelaw.org  
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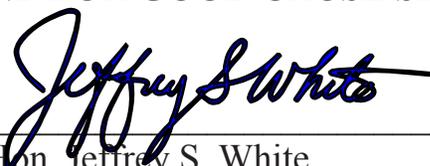
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*Counsel for Plaintiff Sean L. Gilbert*

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

Dated: April 24, 2013

  
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Hon. Jeffrey S. White  
United States District Judge

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**FILER'S ATTESTATION**

Pursuant to L.R. 5-1(i)(3), I, Sean A. Commons, attest that Donald J. Putterman and Jeffrey Wilens provided their authority and concurrence to file the instant document and place their electronic signatures on the document set forth above.

By: /s/ Sean A. Commons

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