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13 Attorneys for Defendants
 14 JPMORGAN CHASE BANK, N.A. (erroneously sued herein as JP MORGAN CHASE BANK,
 15 N.A., as successor by merger to CHASE HOME FINANCE, L.L.C) and U.S. BANK, N.A.

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 NIKOS GLIMIDAKAS) Case No.: C 13-02484-SC
 19)
 20 Plaintiff,) **AMENDED JOINT STIPULATION FOR**
 21 VS.) **STAY OF PROCEEDINGS; [PROPOSED]**
 22) **ORDER**
 23 JPMORGAN CHASE BANK, N.A., as)
 24 successor by merger to CHASE HOME)
 25 FINANCE, L.L.C.; U.S. BANK, N.A.; and) ACTION FILED: May 1, 2013
 26 DOES 1-100, inclusive,)
 27)
 28 Defendants.)
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1 **AMENDED JOINT STIPULATION**

2 Plaintiff NIKOS GLIMIDAKAS (“Plaintiff”), and Defendants JPMORGAN CHASE
3 BANK, N.A., (“Chase”) (erroneously sued as JPMorgan Chase Bank, N.A., as successor by
4 merger to Chase Home Finance, L.L.C) and U.S. BANK, N.A. (collectively, “Defendants”),
5 (collectively “Parties”) by and through their counsel of record, hereby stipulate and request as
6 follows:

7 1. Plaintiff filed his Complaint on May 1, 2013, in San Francisco County Superior
8 Court, Case No. CGC-13-531068;

9 2. The underlying issue of this action is the potential foreclosure of the subject
10 property located at 15 Duboce Avenue, San Francisco, California 94103;

11 3. On June 3, 2013, Defendants filed a Notice of Removal of Action with the United
12 States District Court, Northern District of California (San Francisco Division) and the above-
13 mentioned case was assigned Case No. 3:13-cv-02484-SC;

14 4. WHEREAS, Defendants timely filed a Motion to Dismiss Plaintiff’s Complaint
15 on June 10, 2013 in the above-entitled Court (“Motion to Dismiss”);

16 5. WHEREAS, the Parties thereafter reached a tentative agreement regarding a stay
17 of proceedings, extension for Plaintiff’s response to Defendants’ Motion to Dismiss, extension
18 for Defendants’ reply to Plaintiff’s response, and the hearing on Defendants’ Motion to Dismiss,
19 and prepared a draft Stipulation setting forth this agreement (the “Prior Stipulation”);

20 6. WHEREAS, Plaintiff filed a First Amended Complaint against Defendants on
21 June 24, 2013;

22 7. WHEREAS, Plaintiff filed the Prior Stipulation on June 26, 2013;

23 8. WHEREAS, the Court issued an Order on June 26, 2013 based on the Prior
24 Stipulation, staying the proceedings in this action until October 16, 2013 (the “Stay”) and setting
25 forth deadlines for Plaintiff’s response to Defendants’ Motion to Dismiss, Defendants’ reply to
26 Plaintiff’s response, and the hearing on Defendants’ Motion to Dismiss;
27

1 9. WHEREAS, the deadlines pertaining to Defendants' Motion to Dismiss as
2 referenced in the Court's June 26, 2013 Order were rendered moot by Plaintiff's filing of the
3 First Amended Complaint;

4 10. WHEREAS, this Stipulation is intended to supersede the Prior Stipulation filed on
5 June 26, 2013 only to the extent the Prior Stipulation addressed the deadlines for filings related
6 to and the hearing on Defendants' Motion to Dismiss

7 11. WHEREAS, the Parties jointly request that the Court vacate the deadlines and
8 hearing date regarding Defendants' Motion to Dismiss as forth in the Court's June 26, 2013
9 Order;

10 12. WHEREAS, in the event that Plaintiff is not successful in obtaining a loan
11 modification and the Stay currently in effect is lifted as a result thereof, the Parties agree that
12 Defendants' deadline to file and serve a response to the First Amended Complaint shall be
13 November 15, 2013 or thirty (30) days after the Stay is lifted;

14 13. This stipulation will not result in prejudice to any party and its impact on judicial
15 proceedings is not expected to be significant.

16 14. Nothing in this stipulation shall constitute a waiver of any arguments or defenses
17 that Plaintiff or Defendants may wish to assert in their pleadings, all of which are expressly
18 reserved.

19 15. Except as amended herein, the Prior Stipulation and June 26, 2013 Order shall
20 remain in effect.

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22 IT IS SO STIPULATED AND REQUESTED THAT THE DEADLINES AND HEARING
23 DATE ASSOCIATED WITH DEFENDANTS' MOTION TO DISMISS AS SET FORTH IN
24 THE COURT'S JUNE 26, 2013 ORDER BE VACATED, AND DEFENDANTS' DEADLINE
25 TO FILE AND SERVE A RESPONSE TO THE FIRST AMENDED COMPLAINT (IF
26

27 ///

1 NECESSARY) SHALL BE NOVEMBER 15, 2013 OR THIRTY DAYS AFTER THE STAY IS
2 LIFTED.

3
4 Date: June 27, 2013

RUEHMANN LAW FIRM, P.C.

6 By: /s/ Stephen C. Ruehmann
7 Stephen C. Ruehmann, Esq.
8 Attorney for Plaintiff
9 NIKOS GLIMIDAKAS

10 Date: June 26, 2013

KEESAL, YOUNG, & LOGAN

11 By: /s/ Helen D. Hsueh
12 Julie A. Kole, Esq.
13 Helen D. Hsueh, Esq.
14 Keesal, Young & Logan
15 Attorneys for Defendants JPMORGAN
16 CHASE BANK, N.A. (erroneously sued as
17 JP MORGAN CHASE BANK, N.A., as
18 successor by merger to CHASE HOME
19 FINANCE, L.L.C.) and U.S. BANK, N.A

20 **~~PROPOSED~~ ORDER**

21 Having considered the Amended Stipulation between Plaintiff NIKOS GLIMIDAKAS
22 and Defendants JPMORGAN CHASE BANK, N.A. (erroneously sued as JP MORGAN CHASE
23 BANK, N.A., as successor by merger to CHASE HOME FINANCE, L.L.C.) and U.S. BANK,
24 N.A.:

25 **IT IS HEREBY ORDERED:**

- 26 1. This Order supersedes the Order entered on June 26, 2013 only to the extent it
27 references deadlines concerning Defendants' Motion to Dismiss.

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2. Plaintiff's deadline to respond to Defendants' Motion to Dismiss, Defendants' deadline to reply to Plaintiff's response, and the November 22, 2013 hearing on Defendants' Motion to Dismiss are hereby vacated.
3. In the event that Plaintiff is unsuccessful in obtaining a loan modification and the Stay currently in effect is lifted as a result thereof, the last day for Defendants to file and serve a response to Plaintiff's First Amended Complaint will be November 15, 2013 or thirty (30) days after the Stay is lifted.

Dated: 07/01/2013 _____

Judge Samuel Conti
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

