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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

LEV NORK,

Plaintiff,

v.

THE BANK OF AMERICA PENSION PLAN;  
and BANK OF AMERICA, N.A.,

Defendant.

) Case No. 13-cv-05419-RS  
)  
)  
)

) **FURTHER STIPULATION AND**  
) **[PROPOSED] ORDER CONTINUING**  
) **CASE MANAGEMENT CONFERENCE**  
) **AND TIME TO RESPOND IN LIGHT OF**  
) **EMERGENCY POSTPONEMENT OF**  
) **MEDIATION**  
)  
)

1 WHEREAS Plaintiff Lev Nork initiated this action by filing a Complaint on November 21,  
2 2013;

3 WHEREAS the parties previously agreed that the deadline for Defendants The Bank of  
4 America Pension Plan and Bank of America, N.A. (“Defendants”) to answer or otherwise respond  
5 to the complaint shall be extended until September 11, 2014;

6 WHEREAS there is a Case Management Conference set for September 11, 2014;

7 WHEREAS the parties scheduled a mediation on August 29, 2014 before mediator Michael  
8 Loeb of JAMS;

9 WHEREAS *during the evening of August 28, 2014, counsel for the parties were informed*  
10 *that the mediator had to postpone the mediation due to emergency circumstances; counsel have*  
11 *since learned from Mr. Loeb’s case administrator that he will be available again as of late*  
12 *September 2014;*

13 WHEREAS the parties are all committed to exploring resolution by mediation, and believe it  
14 would be most efficient for the Case Management Conference to take place after the mediation;

15 WHEREAS the parties agree that Defendants should not have to answer or otherwise  
16 respond to the complaint until after the mediation;

17 WHEREAS Your Honor has previously granted three similar stipulations (Dkt Nos. 15, 17  
18 and 19, and the parties do not intend to seek another such order after this request, *and would not*  
19 *have made this request but for the emergency circumstances that have arisen;*

20 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

- 21 1. The Case Management Conference shall be continued until ~~October 30,~~ November 6,  
2014.
- 22 2. The Case Management Conference Statement shall be due on ~~October 23,~~ October 30, 2014.
- 23 3. The deadline for Defendants to answer or otherwise respond to the complaint shall be  
24 October 30, 2014.

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4. All other deadlines shall remain unchanged.

The parties respectfully request that Your Honor enter an order providing for this schedule.

Dated: September 3, 2014

THE BANK OF AMERICA PENSION PLAN;  
AND BANK OF AMERICA, N.A.,

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 9/3/14

  
\_\_\_\_\_  
Judge Richard Seeborg