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LAW OFFICE OF CLARK OVRUCHESKY

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Attorney for Plaintiff,
Gloria A. Mestayer

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

GLORIA A. MESTAYER,
Plaintiff,

v.

**CAPITAL ONE BANK (USA),
N.A. and EXPERIAN
INFORMATION SOLUTIONS,
INC.**

Defendants.

Case No.: 15-cv-03645-EMC

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND PLAINTIFF'S
TIME TO OPPOSE DEFENDANT'S
MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

DATE: October 27, 2016
TIME: 1:30 p.m.
COURTROOM: 5

HON. EDWARD M. CHEN

Pursuant to Local Rule 6-2, Plaintiff Gloria A. Mestayer ("Plaintiff"), by and through her counsel of record, Clark Ovruchesky of the Law Office of Clark Ovruchesky, and Defendant Capital One Bank (USA), N.A. ("Capital One"), by and through its counsel of record, Amy Borlund of Doll Amir & Eley LLP, hereby submit this Stipulation To Extend Plaintiff's Time To Oppose Capital One's Motion to Dismiss ("MTD") Plaintiff's Third Amended Complaint ("TAC"), as follows:

1 **WHEREAS:**

- 2 1. Plaintiff filed the TAC on July 20, 2016;
3 2. Capital One filed a MTD Plaintiff’s TAC on September 9, 2016;
4 3. The MTD hearing is scheduled to occur on October 27, 2016;
5 4. Plaintiff’s current deadline to oppose Capital One’s MTD is

6 September 23, 2016;

7 5. Plaintiff’s counsel respectfully requests additional time to oppose
8 Capital One’s MTD to address Capital One’s “Metro 2” credit reporting
9 arguments.

10 6. Capital One agreed to extend Plaintiff’s deadline to oppose Capital
11 One’s MTD by one week—to September 30, 2016.

12 7. This extension would only additionally alter the date of Capital One’s
13 deadline to file a reply to Plaintiff’s opposition, but the MTD heading would still
14 be three weeks away from the modified deadline for Capital One to file a reply.
15

16 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

17 Plaintiff’s deadline to file an opposition to Capital One’s MTD is extended
18 from September 23, 2016 to September 30, 2016, and Capital One’s deadline to
19 file a reply to Plaintiff’s opposition is extended from September 30, 2016 to
20 October 7, 2016.

21 Dated: September 21, 2016

Respectfully submitted,

22
23 LAW OFFICE OF CLARK OVRUCHESKY

24 By: /s/ Clark Ovruchesky

25 CLARK OVRUCHESKY, ESQ.

26 ATTORNEY FOR PLAINTIFF
27
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1 Dated: September 21, 2016

Respectfully submitted,

2 DOLL AMIR & ELEY LLP

3 By: /s/ Amy Borlund

4 AMY BORLUND, ESQ.
5 ATTORNEY FOR DEFENDANT
6 CAPITAL ONE BANK (USA), INC.

7
8 **SIGNATURE CERTIFICATION**

9 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and
10 Procedures Manual, I hereby certify that the content of this document is acceptable
11 to all defense counsels listed above, and that I have obtained their authorizations to
12 affix their electronic signatures to this document.

13 Dated: September 21, 2016

LAW OFFICE OF CLARK OVRUCHESKY

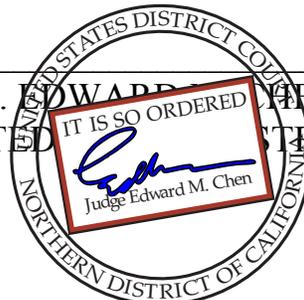
14 By: /s/ Clark Ovruchesky

15 Clark Ovruchesky
16 ATTORNEY FOR PLAINTIFF

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19 **PURSUANT TO STIPULATION, IT IS SO ORDERED** that Plaintiff's
20 deadline to file an opposition to Capital One's MTD is extended from September
21 23, 2016 to September 30, 2016, and Capital One's deadline to file a reply to
22 Plaintiff's opposition is extended from September 30, 2016 to October 7, 2016.
23

24
25 Date: 9/22/16

26 HON. EDWARD M. CHEN
27 UNITED STATES DISTRICT JUDGE



CERTIFICATE OF SERVICE

Mestayer v. Experian Information Solutions, Inc. et al.
Case No: No: 3:15-cv-03645-EMC

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and not a party to the above-entitled cause.

On September 21, 2016, I served a true copy of:

- **STIPULATION AND [PROPOSED] ORDER TO EXTEND PLAINTIFF'S TIME TO OPPOSE DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT**

By ECF: On this date, I electronically filed the following document(s) with the Clerk of the Court using the CM/ECF system, which sent electronic notification of such filing to all other parties appearing on the docket sheet.

I declare under penalty of perjury that the above is true and correct (and that I am employed in or by the office of a member of the bar of this Court at whose direction the service was made).

Executed on September 21, 2016 in San Diego, CA.

By: /s/ Clark Ovruchesky
CLARK OVRUCHESKY, ESQ.
ATTORNEY FOR PLAINTIFF