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10 [Additional counsel listed on signature page]

11 Attorneys for Plaintiffs and the Class

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

14 ARMANDO PLASCENCIA and MELANIA  
 15 PLASCENCIA, individually and on behalf of  
 16 all others similarly situated,

17 Plaintiffs,

18 v.

19 LENDING 1ST MORTGAGE, LENDING 1ST  
 20 MORTGAGE LLC, EMC MORTGAGE  
 CORPORATION, and DOES 1 through 10  
 21 inclusive,

22 Defendants.

Case No. 4:07-cv-04485-CW

CLASS ACTION

**JOINT STIPULATION TO CONTINUE  
DATE FOR FILING JOINT MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Judge: Hon. Claudia Wilken  
 Courtroom: 2, 4th Floor

Complaint Filed: August 29, 2007  
 Trial Date: Vacated

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 JOINT STIPULATION TO CONTINUE DATE FOR FILING JOINT MOTION FOR  
 PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Case No. 4:07-cv-04485-CW

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6-1(b), plaintiffs  
2 Armando Plascencia and Melania Plascencia (“Plaintiffs”), and defendant EMC Mortgage  
3 Corporation (“EMC”) (together, with Plaintiffs, the “Parties”), through their undersigned counsel,  
4 stipulate as follows:

5 WHEREAS, upon the Parties’ Joint Notice of Proposed Class Action Settlement and  
6 Stipulation, on May 30, 2013 the Court, among other things, ordered that a motion for preliminary  
7 approval of the Parties’ settlement be filed on or before July 8, 2013;

8 WHEREAS, since May 28, 2013, when the Parties agreed to settle the action, the Parties  
9 have been diligently working together to draft the settlement agreement;

10 WHEREAS, the Parties require additional time to finalize the details of the settlement  
11 agreement, including a loan modification program that is a component of the settlement;

12 WHEREAS, the Parties believe that a twenty-eight day extension of the time to file a  
13 motion for preliminary approval of the settlement will provide them with sufficient time to finalize  
14 a settlement agreement, without the need for further extensions;

15 WHEREAS, no Party will be prejudiced by the relief requested in this Stipulation; and

16 WHEREAS, this Stipulation is without prejudice to, or waiver of, any rights or defenses  
17 otherwise available to the Parties in this action;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiffs,  
19 by their undersigned counsel, and Defendants, by their undersigned counsel, that, subject to the  
20 approval of this Court:

21 (1) a motion for preliminary approval of the parties’ settlement shall be filed on or  
22 before August 5, 2013; and

23 (2) the proceedings in this action, except as they relate to consideration of the Parties’  
24 proposed settlement, shall remain stayed in their entirety.

25  
26 Respectfully submitted,

27 Dated: July 1, 2013

/s/ Lee A. Weiss  
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Attorneys for Plaintiffs and the Class

Dated: July 1, 2013

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Attorneys for Defendants:  
EMC MORTGAGE LLC, formerly known as EMC  
MORTGAGE CORPORATION

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**ECF CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: July 1, 2013

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**ORDER**

Pursuant to the Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that:

- (1) a motion for preliminary approval of the parties' settlement is to be filed on or before August 5, 2013; and
- (2) the proceedings in this action, except as they relate to consideration of the Parties' proposed settlement, remain stayed in their entirety.

**IT IS SO ORDERED.**

Dated: July 2, 2013

  
\_\_\_\_\_  
HON. CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE