

1 BROWNE WOODS GEORGE LLP  
 Eric M. George (No. 166403)  
 2 [egeorge@bwgfirm.com](mailto:egeorge@bwgfirm.com)  
 Michael A. Bowse (No. 189659)  
 3 [mbowse@bwgfirm.com](mailto:mbowse@bwgfirm.com)  
 2121 Avenue of the Stars, 24<sup>th</sup> Floor  
 4 Los Angeles, California 90067  
 Tel: 310.274.7100 -- Fax 310.275.5697

SMOGER & ASSOCIATES  
 Gerson H. Smoger (SBN 79196)  
[Gerson@texasinjurylaw.com](mailto:Gerson@texasinjurylaw.com)  
 Steven M. Bronson (SBN 246751)  
[steven.bronson@gmail.com](mailto:steven.bronson@gmail.com)  
 3175 Monterey Blvd  
 Oakland, California, 94602-3560  
 Tel 510.531.4529 -- Fax 510.531.4377

5 ARBOGAST & BERNS  
 David M. Arbogast (SBN 167571)  
 6 [darbogast@law111.com](mailto:darbogast@law111.com)  
 Jeffrey K. Berns, Esq. (SBN 131351)  
 7 [jberns@law111.com](mailto:jberns@law111.com)  
 19510 Ventura Boulevard, Suite 200  
 Tarzana, California 91356  
 8 Tel 818.961.2000 -- Fax 818.867.4820

ANDRUS ANDERSON LLP  
 Jennie Lee Anderson (SBN 203586)  
[jennie@andrusanderson.com](mailto:jennie@andrusanderson.com)  
 Lori E. Andrus (SBN 205816)  
[lori@andrusanderson.com](mailto:lori@andrusanderson.com)  
 155 Montgomery Street, 9th Floor  
 San Francisco, California 94104  
 Tel 415.986.1400 – Fax: 415.986.1474

10 Attorneys for Plaintiffs  
 Ilya Kolesnikov and Rina Kolesnikov,  
 11 on behalf of themselves and all others  
 similarly situated

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

16 ILYA KOLESNIKOV and RINA  
 KOLESNIKOV, individually and on  
 17 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 JPMORGAN CHASE BANK, N.A.,

22 Defendant.

Case No. CV 10-1577-CW  
 Assigned to The Hon. Claudia Wilken

**ORDER GRANTING JOINT  
 STIPULATION TO WITHDRAW  
 AND TAKE OFF CALENDAR  
 DEFENDANT’S MOTION TO  
 DISMISS, TO SET SEPTEMBER 14,  
 2010 AS THE DATE BY WHICH  
 PLAINTIFFS SHALL FILE A  
 MOTION FOR LEAVE TO AMEND,  
 AND TO CONTINUE CMC**

Date: September 9, 2010  
 Time: 2:00 p.m.  
 Courtroom 2, 4<sup>th</sup> Floor  
 Oakland Division

Complaint filed: April 13, 2010

1 Pursuant to the Joint Stipulation of the parties to this action - Plaintiffs Ilya  
2 and Lina Kolesnikov and Defendant JPMorgan Chase Bank, N.A. ("Chase") – as  
3 follows

4 WHEREAS, Chase recently discovered a document modifying the home  
5 mortgage loan of Plaintiffs Ilya and Lina Kolesnikov, and

6 WHEREAS, upon review and in light of that document and loan  
7 modification, Plaintiffs desire to amend their complaint to substitute different  
8 parties as plaintiff(s), and

9 WHEREAS, in light of Plaintiffs' desire to amend their complaint, it would  
10 waste judicial and litigant resources to proceed with the presently pending Motion  
11 to Dismiss, which is set for hearing on September 9, 2010, and

12 WHEREAS, in an effort to avoid unnecessary work by the Court on Chase's  
13 Motion to Dismiss, Chase agrees to withdraw its motion, without prejudice, to  
14 address Plaintiffs' anticipated motion for leave to amend, and

15 WHEREAS, Chase does not believe Plaintiffs have standing to file a motion  
16 for leave to amend, and Chase reserves its right to oppose any such motion on any  
17 and all grounds, and

18 WHEREAS, the parties further believe that judicial economy would be  
19 served by continuing the Case Management Conference presently scheduled for  
20 September 9, 2010 to a date after the Court has ruled on Plaintiffs' motion for leave  
21 to amend,

22 AND GOOD CAUSE APPEARING THEREFOR,

23 IT IS HEREBY ORDERED THAT:


24 1. Chase's Motion to Dismiss, presently scheduled for hearing on  
25 September 9, 2010, is withdrawn without prejudice; and

26 2. Plaintiffs shall file a motion for leave to amend their complaint on or  
27 before September 14, 2010, and  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3. The Case Management Conference shall be continued **to November 16, 2010 at 2:00 p.m.**

Dated: 8/31/2010

  
\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Judge