1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	NORTHERN DISTR	94) S DISTRICT COURT EICT OF CALIFORNIA D DIVISION Case No.: 4:10-cv-02011-PJH STIPULATION TO CONTINUE HEARING DATE FOR DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT AND MOTION TO STRIKE PORTIONS OF THE FIRST AMENDED COMPLAINT AND MOTION TO STRIKE PORTIONS OF THE FIRST AMENDED COMPLAINT [FRCP 12(B)(6) & FRCP 12(F)]; [PROPOSED] ORDER Current Date: March 23, 2011 Time: 9:00 a.m. Dept: Courtroom 3, 3 rd Floor Judge: Hon. Phyllis J. Hamilton Comp. Date: April 6, 2010 Trial Date: TBD
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28	07685/0585/870969.3 STIPULATION CONTINUING HEARING FOR MOTION TO DISMISS AND TO STRIKE FIRST AMENDED COMPLAINT Case No.: 4:10-cv-02011-PJH Dockets.Justia.co	

1 Plaintiffs Robert Boné and Nancy Boné ("Plaintiffs") and Defendants Wells Fargo Home 2 Mortgage, a division of Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home 3 Mortgage, Inc. ("WFHM") and Bank of America, N.A. ("BofA") by and through their respective 4 counsel, hereby stipulate that the Motion to Dismiss and to Strike Portions of the First Amended 5 Complaint filed by Plaintiffs (the "Motion") that is set to be heard on Wednesday, March 23, 6 2011, at 9:00 a.m. will be continued to Wednesday, April 27, 2011, at 9:00 a.m. or as soon 7 thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court, 8 located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612. 9 This stipulation is based upon the following showing of good cause: 10 RECITALS 11 1. After the Motion was filed, the Parties participated in an early settlement 12 conference ("ESC") with Magistrate Donna M. Ryu on October 19, 2010 in an effort to resolve 13 the case. Though no settlement was reached at the ESC, the Parties have continued to work 14 together to try and resolve the case with the assistance of Judge Ryu. 15 2. The Parties reached a tentative settlement on the afternoon of Friday March 18, 16 2011 and need some additional time to finalize the terms of their agreement and complete the 17 resolution of this matter. To that end, the Parties have stipulated to continue the hearing on the 18 Motion to allow some additional time to complete the resolution without further costly litigation. 19 3. The continuance will not prejudice the Parties to this action. 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 28 /// 2 07685/0585/870969.3 STIPULATION CONTINUING HEARING FOR MOTION DISMISS AND TO STRIKE FIRST AMENDED COMPLAINT Case No.: 4:10-cv-02011-PJH

1	CTIDUL ATION		
1	STIPULATION		
2	IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, as follows:		
4	1. The Motion set for March 23, 2011 will be continued to Wednesday, April 27,		
5	2011, at 9:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of		
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7	the above-entitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612. IT IS SO STIPULATED:		
8	DATED: March 21, 2011 LAW OFFICES OF DAVID STURGEON-		
9	GARCIA		
10	By: /s/ David Sturgeon-Garcia		
11	DAVID STURGEON-GARCIA Attorney for Plaintiffs		
12	ROBERT and NANCY BONE		
13	DATED: March 21, 2011 SEVERSON & WERSON A Professional Corporation		
13			
15	By:/s/ Edward R. Buell III		
16	EDWARD R. BUELL III Attorneys for Defendant		
17	WELLS FARGO HOME MORTGAGE and BANK OF AMERICA, N.A.		
18			
19	ORDER		
20	Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:		
21	IT IS HEREBY ORDERED that the Motion to Dismiss and to Strike Portions of the First		
22	Amended Complaint set for hearing on March 23, 2011 is continued to Wednesday,		
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25	TES DISTRICT		
26	DATED:		
27	Hon. Phyll IT IS SO ORDERED		
28	- 3 - United States Judge Phyllis J. Hamilton		
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