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9 *Attorney for Plaintiffs*

10 [Additional counsel on signature page]

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

DONTE CHEEKS, ERMA SUE CLYATT,  
 DEBORAH HORTON, AND RICHARD  
 PIERCE, on behalf of themselves and all others  
 similarly situated,

Plaintiffs,

V.

FIDELITY AND DEPOSIT COMPANY OF  
 MARYLAND AND PLATTE RIVER  
 INSURANCE COMPANY, as sureties for  
 MERACORD LLC,

Defendants.

CASE NO. 13-CV-1854 SBA

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME FOR  
 PLAINTIFFS' RESPONSE TO  
 DEFENDANTS' MOTION TO  
 DISMISS PLAINTIFFS' FIRST AND  
 SECOND CLAIMS**

The Honorable Sandra Brown Armstrong

ACTION FILED: April 23, 2013

1 WHEREAS, Plaintiffs filed their class action complaint in this case on April 23, 2013;

2 WHEREAS, Plaintiffs agreed to grant Defendants an extension of time until July 1, 2013 in  
3 which to answer the complaint, on the condition that Plaintiffs would have no less than thirty days  
4 to respond to any motion filed in response to the complaint,

5 WHEREAS, Defendants filed their Motion to Dismiss Plaintiffs' First and Second Claims  
6 for Relief Under RICO With Prejudice for Failure to State a Claim Under FRCP Rule 12(b)(6)  
7 ("Motion"), Dkt. No. 7, on July 1, 2013;

8 WHEREAS, Plaintiffs' response to Defendants' Motion is currently due July 15, 2013;

9 WHEREAS Plaintiffs' and Defendants' counsel certify that they have complied with the  
10 Court's requirement to meet and confer prior to the filing of this stipulation,

11 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST that:

12 (1) Plaintiffs shall have until July 31, 2013 to file their response to Defendants' Motion.

13 (2) Defendants shall have until August 15, 2013 to file their reply in support of their Motion.

14 IT IS SO STIPULATED.

15 DATED: July 11, 2013

**THE PAYNTER LAW FIRM PLLC**

16 By: /s/ Stuart M. Paynter

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/s/ David C. Veis

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*Attorney for Defendants*

\* \* \*

PURSUANT TO STIPULATION. IT IS SO ORDERED.

7/11/13  
DATE

  
\_\_\_\_\_  
HONORABLE SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT COURT

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**E-FILING ATTESTATION**

I, Stuart Paynter, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 11, 2013, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

/s/ Stuart M. Paynter  
STUART M. PAYNTER