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[COUNSEL LISTED ON NEXT PAGE]

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

SEAN GUESS, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

US BANCORP; US BANCORP
INVESTMENTS; U.S. BANK N.A.; U.S.
BANK d/b/a U.S. BANK HOME
MORTGAGE; and DOES 1-50,

Defendants.

) **Case No. C06-07535 – JF**
)
) **The Honorable Jeremy Fogel**
)
) **STIPULATION AND [PROPOSED]**
) **ORDER**

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*Attorneys for Defendants
US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK*

1 WHEREAS by Order of the Court dated September 4, 2008, Plaintiff's motion for class
2 certification pursuant to FED. R. CIV. P. 23 is currently due on or before October 2, 2008;

3 WHEREAS the parties require additional time to conduct the depositions of the plaintiff and
4 an additional corporate designee; and

5 WHEREAS the parties agree that Plaintiff may have an additional twenty-eight (28) days to
6 submit his motion for class certification pursuant to FED. R. CIV. P. 23;

7 The parties hereby STIPULATE and agree as follows:

8 Plaintiff will file his motion for class certification pursuant to Fed. R. Civ. P. 23 no later than
9 October 30, 2008;

10 Defendants will have forty-five (45) days to file an opposition;

11 Plaintiff will have thirty (30) days to file his reply.
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16 DATED: October 1, 2008

**SCHIFFRIN BARROWAY TOPAZ
& KESSLER, LLP**

17
18 By: /s/ Katherine B. Bornstein
19 Katherine B. Bornstein
20 Alan R. Plutzik
21 L. Timothy Fisher
22 Joseph H. Meltzer
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24 Robert J. Gray

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By: /s/ Joan B. Tucker Fife
Joan B. Tucker Fife

*Attorneys for Defendants
US BANCORP, US BANCORP
INVESTMENTS, U.S. BANK N.A., U.S. BANK*

SO ORDERED, this 2nd day of October, 2008.



Jeremy Fogel, U.S.D.J

