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12 Attorneys for Plaintiff and all others similarly situated

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

15 ENEIDA AMPARAN, individually and on )  
 16 behalf of all others similarly situated, )

17 Plaintiff,

18 v.

19 PLAZA HOME MORTGAGE, INC., )  
 WASHINGTON MUTUAL MORTGAGE )  
 20 SECURITIES CORP. and DOES 1 through 10 )  
 inclusive, )  
 21 )

22 Defendants.

) Case No.: C-07-04498-JF )  
 ) STIPULATION AND [~~PROPOSED~~] )  
 ) ORDER TO CONTINUE HEARING ON )  
 ) DEFENDANT PLAZA HOME )  
 ) MORTGAGE, INC.'S MOTION TO )  
 ) DISMISS SECOND AMENDED )  
 ) COMPLAINT, MOTION TO STRIKE AND )  
 ) CASE MANAGEMENT CONFERENCE )  
 ) FROM NOVEMBER 7, 2008 TO )  
 ) DECEMBER 12, 2008 )

) )  
 ) Dept: Courtroom 3, 5<sup>th</sup> Floor )  
 ) Judge: Jeremy Fogel )

) )  
 ) Complaint Filed: August 30, 2007 )  
 ) Trial Date: Not yet set. )

1 WHEREAS, on October 2, 2008, Defendant Plaza Home Mortgage filed a Motion to  
2 Dismiss Plaintiff's Second Amended Complaint and Motion to Strike (the "Motions") (Docket Nos.  
3 58 and 59);

4 WHEREAS, the hearing on Defendant's Motions and a Case Management Conference are  
5 calendared on November 7, 2008 at 9:00 a.m.;

6 WHEREAS, Plaintiff's opposition briefs to Defendant's Motions are currently due on  
7 October 17, 2008 and Defendant's reply briefs are due on October 24, 2008;

8 WHEREAS, Plaintiff and Defendant (the "Parties") need additional time to brief the issues  
9 raised in Defendant's Motions;

10 WHEREAS, the Parties propose continuing the hearing on Defendant's Motions and Case  
11 Management Conference to December 12, 2008 at 9:00 a.m.;

12 WHEREAS, under the proposed new briefing schedule, Plaintiff will file her opposition  
13 briefs, and supporting materials to Defendant's Motions on October 24, 2008 and Defendant will  
14 file its reply briefs, and supporting materials on November 14, 2008.

15 Subject to the Court's approval, the Parties hereby stipulate and agree as follows:

16 **THE PARTIES AGREE AND STIPULATE THAT:**

17 1. The hearing on Defendant's Motions and Case Management Conference are continued to  
18 December 12, 2008 at 9:00 a.m.

19 2. Plaintiff will file her opposition briefs, and supporting materials to Defendant's Motions on  
20 October 24, 2008 and Defendant will file its reply briefs and supporting materials on November 14,  
21 2008.

1 DATED: October 17, 2008

DREIER LLP

2  
3 By: /s/ Lee A. Weiss  
4 Lee A. Weiss  
Attorneys for Plaintiff, ENEIDA  
AMPARAN

5 PROCOPIO, CORY, HARGREAVES &  
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7 By: /s/ John D. Alessio  
8 John D. Alessio  
9 Attorneys for Defendant, PLAZA HOME  
10 MORTGAGE, INC.

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1 **[PROPOSED] ORDER**

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

- 4 1. The hearing on Defendant's Motions and Case Management Conference are continued to  
5 December 12, 2008 at 9:00 a.m.
- 6 2. Plaintiff shall file her opposition briefs, and supporting materials to Defendant's Motions on  
7 October 24, 2008.
- 8 3. Defendant shall file its reply briefs, and supporting materials on November 14, 2008

9 IT IS SO ORDERED

10 DATED: 10/20/08  
11 \_\_\_\_\_

12   
13 \_\_\_\_\_  
14 Hon. Jeremy Fofel  
15 United States District Court Judge