

Joseph N. Kravec, Jr. (*Admitted Pro Hac Vice*)
 jnk@ssem.com
 SPECTER SPECTER EVANS
 & MANOGUE, P.C.
 The 26th Floor Koppers Building
 Pittsburgh, Pennsylvania 15219
 Tel: (412) 642-2300
 Fax: (412) 642-2309

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Michael D. Braun (167416)
 service@braunlawgroup.com
 BRAUN LAW GROUP, P.C.
 12304 Santa Monica Blvd., Suite 109
 Los Angeles, CA 90025
 Tel: (310) 442-7755
 Fax: (310) 442-7756

Ira Spiro (67641)
 ira@spiromoss.com
 SPIRO MOSS BARNES, LLP
 11377 West Olympic Blvd., Fifth Floor
 Los Angeles, CA 90064-1683
 Tel: (310) 235-2468
 Fax: (310) 235-2456

Janet Lindner Spielberg (221926)
 jlspielberg@jlspl.com
 LAW OFFICES OF JANET
 LINDNER SPIELBERG
 12400 Wilshire Blvd., Suite 400
 Los Angeles, CA 90025
 Tel: (310) 392-8801
 Fax: (310) 278-5938

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

SIDNEY SCHOLL and FELTON A. SPEARS, JR., on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC., a Washington corporation;
 WASHINGTON MUTUAL BANK, FA (aka WASHINGTON MUTUAL BANK); FIRST AMERICAN EAPPRAISEIT, a Delaware corporation; and LENDER'S SERVICE, INC.,

Defendants.

CASE NO. 5:08-CV-00868 (RMW)

CLASS ACTION

STIPULATION AND ORDER RE:

- (1) MODIFICATION OF THE CASE MANAGEMENT CONFERENCE DATE;
- (2) MODIFICATION OF THE HEARING DATE ON DEFENDANTS' MOTIONS TO DISMISS

1 WHEREAS, on August 20, 2008, the Court ordered a case management
2 conference in this matter to be held on October 17, 2008, at 10:30 a.m.;

3 WHEREAS, by minute order of August 15, 2008, the Court set the hearing on
4 Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint on October 17,
5 2008, at 9:00 a.m.;

6 WHEREAS, on September 25, 2008, Washington Mutual Bank was closed by
7 the Office of Thrift Supervision and the Federal Deposit Insurance Corporation
8 ("FDIC") was appointed receiver of the Bank. J.P. Morgan Chase & Co. on the same
9 day acquired all deposits, assets and certain liabilities of Washington Mutual Bank's
10 banking operations from the FDIC, effective immediately;

11 WHEREAS, as a result of these events, counsel for Washington Mutual Bank
12 has informed the parties that counsel is uncertain as to who will represent
13 Washington Mutual Bank or its successor in this litigation;

14 WHEREAS, parties have conferred and agree that, in light of Washington
15 Mutual Bank's role in this litigation and the uncertainty associated with
16 representation, it would be most efficient and equitable to adjourn the case
17 management conference and the hearing on Defendants' motions to dismiss to a later
18 date, pending further clarification of the proper party defendant in lieu of
19 Washington Mutual Bank and of the continued role of counsel with respect to this
20 litigation;

21 WHEREAS, parties further agree to refrain from conducting discovery until
22 November 21, 2008.

23 **IT IS HEREBY STIPULATED** by the parties, by and through their
24 undersigned counsel, that:

- 25 (1) Defendants' Motions to Dismiss Plaintiffs' First Amended
26 Complaint previously scheduled for October 17, 2008, at
27 9:00 a.m., is adjourned to November 21, 2008, at 10:00 a.m.
28

(2) The case management conference previously scheduled for October 17, 2008, at 10:00 a.m., is adjourned to November 21, 2008, at 10:00 a.m.

BRAUN LAW GROUP, P.C.

Dated: October 13, 2008

By /s/
Michael D. Braun
service@braunlawgroup.com
12304 Santa Monica Blvd., Suite 109
Los Angeles, CA 90025
Tel: (310) 442-7755
Fax: (310) 442-7756

Attorneys for Plaintiffs

DAVIS WRIGHT TREMAINE LLP

Dated: October 13, 2008

By /s/
Stephen M. Rummage, Pro Hac Vice
SteveRummage@DWT.com
505 Montgomery Street, Suite 800
San Francisco, California 94111
Telephone: (415) 276-6500
Facsimile: (415) 276-6599

**Attorneys for Defendant
Washington Mutual, Inc.**

MCDONOUGH HOLLAND & ALLEN PC

Dated: October 13, 2008

By /s/
Michael T. Fogarty, SBN 65809
tfogarty@mhalaw.com
555 Capitol Mall, 9th Floor
Sacramento, CA 95814
Telephone: (916) 444-3900
Facsimile: (916) 444-3249

**Attorneys for Defendant
First American eAppraiseIT**

DEWEY & LEBOEUF LLP

Dated: _____, 2008

By _____/s/
Margaret Anne Keane, SBN 255378
mkeane@dl.com
One Embarcadero Center, Suite 400
San Francisco, CA 94111
Telephone: (415) 951-1137
Facsimile: (415) 438-1137

**Attorneys for Defendant
Lender's Services, Inc.**

[XXXXXXXXXXXXXXXXXX] ORDER

Pursuant to the Parties' Stipulation, the Court hereby

ORDERS AS FOLLOWS:

- (1) Defendants' Motions to Dismiss Plaintiffs' First Amended Complaint previously scheduled for October 17, 2008, at 9:00 a.m., is adjourned to November 21, 2008, at 9:00 a.m.
- (2) The case management conference previously scheduled for October 17, 2008, at 10:00 a.m., is adjourned to November 21, 2008, at 10:30 a.m.

DATED: 10/15/08.

Ronald M. Whyte

HON. RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE