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ORDER E-FILED 10/21/2008

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

13 SIDNEY SCHOLL and FELTON A.)
 SPEARS, JR., on behalf of themselves and)
 14 all others similarly situated,)
)
 15 Plaintiffs,)
 v.)
 16 WASINGTON MUTUAL, INC.,)
 a Washington corporation;)
 17 WASHINGTON MUTUAL BANK, FA)
 (aka WASHINGTON MUTUAL BANK);)
 18 FIRST AMERICAN EAPPRAISEIT,)
 a Delaware corporation; and)
 19 LENDER’S SERVICE, INC.,)
 20)
 Defendants.)
 21)

CASE NO.: 5:08-CV-00868 (RMW)
CLASS ACTION
 STIPULATION AND ~~PROPOSED~~
 ORDER RE: STAYING BRIEFING
 AND ADJOURNING HEARING DATE
 FOR MOTION FOR JURISDICTIONAL
 DISCOVERY

22 WHEREAS, on June 25, 2008, Plaintiffs filed their Motion for Jurisdictional Discovery,
 23 which Judge Whyte referred to Magistrate Lloyd for disposition, and subsequently, on October 3,
 24 2008, filed a Rescheduled Notice for the Motion for Jurisdictional Discovery in light of Judge
 25 Whyte’s entry of a stay until October 17, 2008, rescheduling the hearing date for such Motion
 26 before Judge Lloyd to November 18, 2008 at 10:00 a.m.;

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

4 WHEREAS, on August 20, 2008, Judge Whyte ordered a case management conference in
5 this matter to be held on October 17, 2008, at 10:30 a.m.;

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

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

14 WHEREAS, parties have conferred and agree that, in light of Washington Mutual Bank's
15 role in this litigation and the uncertainty associated with representation, it would be most
16 efficient and equitable to adjourn both the case management conference and the hearing on
17 Defendants' motions to dismiss to November 21, 2008, pending further clarification of the
18 proper party defendant in lieu of Washington Mutual Bank and of the continued role of counsel
19 with respect to this litigation. A separate stipulation has been submitted by the parties for Judge
20 Whyte's approval;

21 WHEREAS, parties further agree to refrain from conducting discovery until
22 November 21, 2008 and agree to seek approval to reschedule the November 18, 2008 hearing on
23 Plaintiffs' Motion for Jurisdictional Discovery.

1 IT IS HEREBY STIPULATED by the parties, by and through their undersigned counsel,
2 that:

- 3 (1) Briefing on Plaintiffs' Motion for Jurisdictional Discovery will be stayed until
4 November 21, 2008.
- 5 (2) The Hearing Date for Plaintiffs' Motion for Jurisdictional Discovery, previously
6 set for November 18, 2008, at 10:00 a.m, will be adjourned to December 16,
7 2008, at 10:00 a.m.

8 DEWEY & LeBOEUF LLP

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10 Dated: October 13, 2008

By: /s/ Margaret A. Keane

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15 BRAUN LAW GROUP, P.C.

16 Dated: October 13, 2008

By: /s/ Michael D. Braun

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Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

Pursuant to the Parties' Stipulation, the Court hereby

ORDERS AS FOLLOWS:

- (1) Briefing on Plaintiffs' Motion for Jurisdictional Discovery will be stayed until November 21, 2008.
- (2) The Hearing Date for Plaintiffs' Motion for Jurisdictional Discovery, previously set for November 18, 2008, at 10:00a.m, will be adjourned to December 16, 2008, at 10:00 a.m.

DATED: October 21, 2008



Hon. Howard P. Lloyd
United States Magistrate Judge