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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11
 12 FELTON A SPEARS, JR. and.)
 SIDNEY SCHOLL, JUAN)
 13 BENCOSME and CARMEN)
 BENCOSME on behalf of)
 14 themselves and all others similarly)
 situated,)
 15)
 Plaintiffs,)
 16 v.)
 17 FIRST AMERICAN EAPPRAISEIT)
 (a/k/a eAppraiseIT, LLC),)
 18 a Delaware limited liability company;)
 and LENDER’S SERVICE, INC.,)
 19 (a/k/a LSI Appraisal, LLC), a)
 Delaware limited liability company)
 20)
 Defendants.)
 21)

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

STIPULATION AND []
 ORDER RE: BRIEFING SCHEDULE
 AND ADJOURNMENT OF HEARING
 DATE FOR MOTION TO INTERVENE

22 WHEREAS, on March 30, 2009, Plaintiffs filed their Second Amended Complaint for
 23 Damages, Equitable, Declaratory and Injunctive Relief (the “Second Amended Complaint”) and
 24 a Motion to Intervene by Putative Class Members Juan and Carmen Bencosme (the “Motion to
 25 Intervene”);

1 WHEREAS, absent an extension of time, First American eAppraiseIT's and LSI
2 Appraisal, LLC's time to move against, answer or otherwise respond to the Second Amended
3 Complaint will expire on April 13, 2009;

4 WHEREAS, counsel for First American eAppraiseIT and LSI Appraisal, LLC have
5 indicated to counsel for Plaintiffs that they intend to file motions to dismiss the Second Amended
6 Complaint and will request a hearing date for oral argument in connection therewith;

7 WHEREAS, the parties have conferred and agree that it would be most efficient and
8 equitable to coordinate the briefing schedule and hearing date on Defendants' anticipated
9 motions to dismiss with the briefing schedule and hearing date on Plaintiffs' Motion to
10 Intervene;

11 WHEREAS, without an extension, the time for eAppraiseIT and LSI Appraisal, LLC to
12 file a response to the Motion to Intervene is on or before April 17, 2009, and the time for
13 Plaintiffs to file their reply memorandum is on or before April 24, 2009. In addition, Plaintiffs
14 have requested a hearing date in connection with their Motion to Intervene on May 8, 2009 at
15 9:00 a.m.; and

16 WHEREAS, the parties have conferred and agree that, to allow for the preparation of
17 First American eAppraiseIT's and LSI Appraisal, LLC's anticipated motions to dismiss and
18 responses to the Motion to Intervene, and to accommodate Passover and the personal and
19 professional schedules of counsel, it would be most efficient and equitable to adjourn the hearing
20 on Plaintiffs' Motion to Intervene from May 8, 2009 at 9:00 a.m. to June 5, 2009 at 9:00 a.m.
21 and to have the hearing on Defendants' motions to dismiss at that same date and time. The
22 parties hereby stipulate and agree to the briefing schedule and hearing dates set forth below and
23 in the attached [Proposed] Order.

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IT IS HEREBY STIPULATED by the parties, by and through their undersigned counsel,

that:

- (1) The Date for Defendants to file their motions to dismiss the Second Amended Complaint and responses to Plaintiffs’ Motion to Intervene will be on or before April 21, 2009;
- (2) The Date for Plaintiffs to file their response to Defendants’ motions to dismiss the Second Amended Complaint and reply on their Motion to Intervene will be on or before May 15, 2009;
- (3) The Date for Defendants to file replies on their motions to dismiss the Second Amended Complaint will be on or before May 22, 2009;
- (4) The Hearing Date for Plaintiffs’ Motion to Intervene, previously requested to be held on May 8, 2009 at 9:00 a.m., will be adjourned to June 5, 2009, at 9:00 a.m.; and
- (5) The Hearing Date for Defendants’ motions to dismiss the Second Amended Complaint will be June 5, 2009, at 9:00 a.m.

DEWEY & LeBOEUF LLP

Dated: April 10, 2009

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Dated: April 10, 2009

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SPECTER SPECTER EVANS & MANOGUE, P.C.

Dated: April 10, 2009


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(4) The Hearing Date for Plaintiffs' Motion to Intervene, previously requested to be held on May 8, 2009 at 9:00 a.m., will be adjourned to June 5, 2009, at 9:00 a.m.; and
(5) The Hearing Date for Defendants' motions to dismiss the Second Amended Complaint will be June 5, 2009, at 9:00 a.m.

DATED: 5/7/09


Hon. Ronald M. Whyte
United States District Judge