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 10 MortgageIT, Inc.

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

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

14 CARLOS PACHECO, an individual,
 15 Plaintiff,
 16 vs.
 17 HOMECOMINGS FINANCIAL, LLC, a
 18 Delaware limited liability company;
 MORTGAGEIT, INC., a New York corporation;
 19 and DOES 1-100, inclusive,
 20 Defendants.
 21 MORTGAGEIT, INC., a New York corporation,
 22 Third Party Plaintiff,
 23 vs.
 24 RELC, Inc. dba REAL ESTATE LOAN
 CENTER, a California corporation, NANCY
 25 LINDNER, an individual; PEDRO REYES, an
 individual,
 26 Third Party Defendants.
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Case No. 5:08-cv-03002-JF HRL
 Honorable Jeremy Fogel

[PROPOSED] ORDER GRANTING *EX PARTE* APPLICATION FOR ORDER CONTINUING TRIAL DATE, AS WELL AS ASSOCIATED DEADLINE FOR DISPOSITIVE MOTION(S), AND TAKING PENDING MOTION TO DISMISS OFF CALENDAR BASED UPON STIPULATION OF THE PARTIES

Complaint Filed: May 15, 2008
Case Removed: June 18, 2008
Trial Date: February 5, 2010

1 Having considered Defendants MortgageIT, Inc.'s ("MortgageIT") and Homecomings
2 Financial, LLC's ("Homecomings Financial") *Ex Parte* Application for Order Continuing Trial
3 Date, as well as Associated Deadline for Dispositive Motion(s), and Taking Pending Motion to
4 Dismiss Off Calendar; the Declaration of Karen A. Braje in support thereof, and the Stipulation to
5 Continuance of Trial Date signed on behalf of Plaintiff Carlos Pacheco ("Plaintiff") as well as the
6 defendants, and GOOD CAUSE APPEARING, the Court orders as follows:

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8 IT IS HEREBY ORDERED that Defendants' *Ex Parte* Application for Order Continuing the
9 Trial Date and associated deadline for dispositive motion(s) is GRANTED. The trial date currently
10 set for February 5, 2010, and the associated December 18, 2009, deadline for dispositive motion(s)
11 are hereby VACATED.

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13 The trial date in this case shall be re-scheduled for _____, 2010. The
14 associated deadline for dispositive motion(s) is _____, 2010.

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16 OR

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18 The Court hereby sets a further Scheduling Conference for December 18, 2009, to set a
19 new trial date. The parties shall submit a Joint Status Conference Report 7 days in advance
20 of the Scheduling Conference.

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IT IS ALSO HEREBY ORDERED that Defendants' Motion to Dismiss currently pending before the Court and set for hearing on November 20, 2009, shall be taken off calendar in light of the anticipated request by Plaintiff to file a Second Amended Complaint.

IT IS SO ORDERED.

DATED: November 5, 2009.



Honorable Judge Jeremy Fogel
U.S. District Court Judge, Northern District of
California