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11 Attorneys for Defendant
 JPMORGAN CHASE BANK, N.A.,
 12 *Erroneously sued as*
 JPMORGAN CHASE BANK dba CHASE
 13 AUTOMOTIVE FINANCE

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

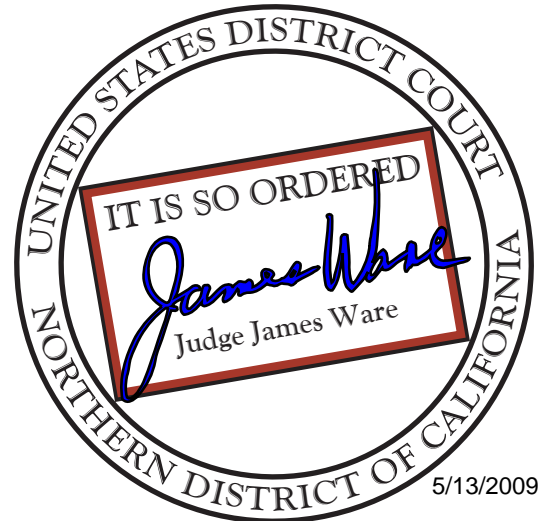
18 MARIA I. IRIAS, individually, on behalf of the
 general public, and on behalf of all others
 19 similarly situated,

20 Plaintiff,

21 v.

22 JPMORGAN CHASE BANK dba CHASE
 AUTOMOTIVE FINANCE; and DOES 1 through
 23 50, inclusive,

24 Defendants.



Case No. 08-CV-3099 JW

[CLASS ACTION]

**ORDER CONTINUING
 ORDER TO SHOW CAUSE
 RE SETTLEMENT**

Date: May 18, 2009

Time: 9:00 a.m.

Place: Courtroom 8

Honorable James Ware

1 Pursuant to the Court's order dated April 24, 2009, Plaintiff Maria I. Irias and Defendant
2 JPMorgan Chase Bank N.A. ("Chase"), erroneously sued as JPMorgan Chase Bank dba Chase
3 Automotive Finance (collectively, the "Parties"), respectfully submit this Joint Statement
4 Informing the Court of Progress of Settlement.

5 In their most recent submission to the Court on April 24, 2009, the Parties advised the
6 Court that counsel for Plaintiff had ascertained Plaintiff's new contact information and that the
7 Parties were in the final stages of finalizing the settlement of this action in its entirety, the terms
8 of which had been earlier reached. The Parties further reported that, following the performance
9 of certain administrative obligations pursuant to the terms of the Parties' settlement agreement,
10 the Parties expected to file with the Court a Stipulation of Voluntary Dismissal. In response, the
11 Court issued an order continuing the OSC Re: Settlement from April 27, 2009 to May 18, 2009 at
12 9:00 a.m., and ordered the parties to file a stipulated dismissal or joint statement informing the
13 Court of the status of reducing the settlement to writing by May 11, 2009.

14 The Parties have made substantial progress since their last submission to the Court. As of
15 the date of this submission, the Parties have fully executed the settlement agreement referred to in
16 their April 24 submission to the Court. The filing of a stipulated dismissal has been delayed,
17 however, due to the recent identification of an issue of concern to Plaintiff that was unaddressed
18 by the Parties' original settlement agreement and that involves a third-party to the instant lawsuit.
19 In light of that issue, last week the Parties and the third-party agreed on the terms of a
20 supplemental settlement agreement. Plaintiff furnished the third-party's executed version of that
21 supplemental agreement to Chase on May 8, 2009. Chase is in the process of obtaining an
22 executed version of the supplemental agreement from its appropriate corporate officer, and
23 expects to furnish copies of the executed supplemental agreement to Plaintiff and the third-party
24 by mid-week.

25 Thus, in advance of the May 18, 2009 OSC Re: Settlement, the Parties expect to have
26 exchanged fully executed versions of their settlement agreement and the supplemental agreement
27 involving the third-party, the former of which has already taken place. The Parties further expect
28 that by May 18, 2009, the administrative obligations set forth in the Parties' settlement agreement

1 as conditions precedent to the filing of a stipulated dismissal will be substantially complete, but
2 not entirely complete, due to circumstances beyond the Parties' control. Specifically, pursuant to
3 the Parties' settlement agreement, a stipulated dismissal may not be filed until a certain check
4 exchanged between the Parties clears the drawee bank. The Parties are not certain when that will
5 occur, but expect that it will occur on or after May 26, 2009, and thus that the Parties will be in a
6 position to file a stipulated dismissal per their settlement agreement on or after May 26.
7 However, the Parties will continue to work in earnest to file a stipulated dismissal before the OSC
8 scheduled for May 18.

9
10 Dated: May 11, 2009

MORRISON & FOERSTER LLP

11
12 By: /s/Sylvia Rivera

Sylvia Rivera

13 Attorneys for Defendant
14 JPMORGAN CHASE BANK, N.A.,
15 *Erroneously sued as*
16 JPMORGAN CHASE BANK dba
CHASE AUTOMOTIVE FINANCE

17 Dated: May 11, 2009

KEMNITZER, ANDERSON, BARRON,
OGLIVIE & BREWER LLP

18
19 By: /s/Bryan Kemnitzer

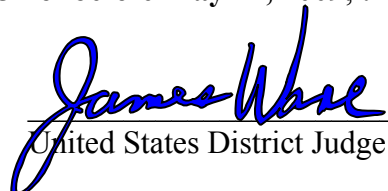
Bryan Kemnitzer

20 Attorneys for Plaintiff
21 MARIA I. IRIAS

22 ***** IT IS SO ORDERED: *****

23 The Court finds good cause to give the parties a final brief extension to reduce their settlement
24 to writing and file the appropriate stipulated dismissal. Accordingly, the Order to Show Cause
25 hearing is continued to **June 1, 2009 at 9 a.m.** On or before **May 22, 2009**, the parties shall file
26 their Stipulated Dismissal.

27 Dated: May 13, 2009


United States District Judge

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GENERAL ORDER 45 ATTESTATION

I, Sylvia Rivera, am the ECF User whose ID and password are being used to file the attached JOINT STATEMENT INFORMING THE COURT OF PROGRESS OF SETTLEMENT. In compliance with General Order 45, X.B., I hereby attest that Bryan Kemnitzer has concurred in this filing.

_____/s/ Sylvia Rivera

1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address
3 is 555 West Fifth Street, Suite 3500, Los Angeles, California 90013-1024. I am not a party to the
4 within cause, and I am over the age of eighteen years.

4 I further declare that on May 11, 2009, I served a copy of:

5 **JOINT STATEMENT INFORMING THE COURT OF
6 PROGRESS OF SETTLEMENT**

6 **BY U.S. MAIL [Fed. Rule Civ. Proc. rule 5(b)]** by placing a true copy thereof
7 enclosed in a sealed envelope with postage thereon fully prepaid, addressed as
8 follows, for collection and mailing at Morrison & Foerster LLP, 555 West Fifth
9 Street, Suite 3500, Los Angeles, California 90013-1024 in accordance with
10 Morrison & Foerster LLP's ordinary business practices. I am readily familiar with
11 Morrison & Foerster LLP's practice for collection and processing of correspondence
12 for mailing with the United States Postal Service, and know that in the ordinary
13 course of Morrison & Foerster LLP's business practice the document(s) described
14 above will be deposited with the United States Postal Service on the same date that
15 it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully
16 prepaid for collection and mailing.

13 Alexander B. Trueblood
14 Trueblood Law Firm
15 10940 Wilshire Blvd. Suite 1600
16 Los Angeles, CA 90024
17 Tel.: (310) 443-4139
18 Fax: (310) 234-4023
19 Attorneys for Plaintiff MARIA I. IRIAS

18 Notice of Electronic Filing of the foregoing document will be electronically mailed by the
19 Clerk of the Court of the United States District Court for the Northern District of California using
20 the CM/ECF system to the following:

20 Bryan Kemnitzer (bkemnitzer@kabolaw.com)
21 Kevin Christopher Mallon (kevinmallon@yahoo.com)
22 Kemnitzer, Anderson, Barron,
23 Ogilvie & Brewer LLP
24 445 Bush Street, Sixth Floor
25 San Francisco, California 94108
26 Attorneys for Plaintiff MARIA I. IRIAS

24 I declare under penalty of perjury that the above is true and correct.

25 Executed at Los Angeles, California, this 11th day of May, 2009.

26 Sylvia Rivera s/Sylvia Rivera
27 (typed) (signature)