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 6 FEDERAL DEPOSIT INSURANCE
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7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 HENRY BOTELHO, an individual,
 12 Plaintiff,

13 vs.

14 MORTGAGEIT, INC., a New York
 corporation; FEDERAL DEPOSIT
 15 INSURANCE CORPORATION, as
 Conservator for INDYMAC FEDERAL
 16 BANK, F.S.B.; and DOES 1-100,
 Inclusive,

17 Defendants.
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Case No. 4:08-cv-04316

STIPULATION TO ALLOW FDIC
 ADDITIONAL TIME TO RESPOND TO
 COMPLAINT; [Proposed] ORDER
 THEREON

19 WHEREAS, on October 1, 2008, the Court entered a 45-day stay in this
 20 matter based upon the substitution and intervention of the Federal Deposit Insurance
 21 Corporation ("FDIC");


22 WHEREAS, plaintiff and the FDIC are currently evaluating the implications
 23 of the FDIC's involvement and plaintiff's request to modify his loan;

24 WHEREAS, the parties hereto, stipulate between themselves that FDIC be
 25 given an additional 30 days to respond to the complaint up to and including
 26 December 17, 2008, so that the parties may continue their existing evaluation
 27 without incurring the additional expense of litigation.
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Dated: Nov. 14, 2008

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By: 
JOSHUA R. MANDELL
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FEDERAL DEPOSIT INSURANCE
CORPORATION


Dated: Nov 14, 2008

JENKINS MULLIGAN & GABRIEL
LLP
TOM JENKINS
DAN MULLIGAN

By: 
DAN MULLIGAN
Attorneys for Plaintiff
HENRY BOTELHO

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 11/17/08


Hon. Claudia Wilken
United States District Court Judge