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7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10  
 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 17, 2008, upon the request of plaintiff and the  
 20 Federal Deposit Insurance Corporation ("FDIC"), the Court extended the time for  
 21 the FDIC to respond to the Complaint in this matter by 30 days, so that plaintiff and  
 22 the FDIC may evaluate plaintiff's request to modify his loan without incurring the  
 23 additional expense of litigation;

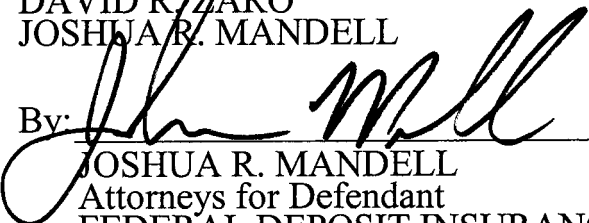
24 WHEREAS, plaintiff and the FDIC remain actively involved in those  
 25 discussions and do not expect those discussions to be concluded before December  
 26 17, 2008, the expiration of the existing extension;

27 NOW THEREFORE, plaintiff and the FDIC stipulate by and between  
 28 themselves that the FDIC be given an additional 30 days to respond to the

1 Complaint, up to and including January 16, 2008, so that they may conclude their  
2 ongoing discussions regarding plaintiff's request to modify his loan without  
3 incurring the additional expense of litigation.

4 Dated: 12/11/08

ALLEN MATKINS LECK GAMBLE  
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DAVID R. ZARO  
JOSHUA R. MANDELL

7 By:   
8 JOSHUA R. MANDELL  
9 Attorneys for Defendant  
10 FEDERAL DEPOSIT INSURANCE  
CORPORATION


11 Dated: 12/11/08

JENKINS MULLIGAN & GABRIEL  
LLP  
TOM JENKINS  
DAN MULLIGAN

14 By:   
15 DAN MULLIGAN  
16 Attorneys for Plaintiff  
HENRY BOTELHO

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: 12/12/08

  
19 Hon. Claudia Wilken  
20 United States District Court Judge

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