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5 Attorneys for Defendant
 6 FEDERAL DEPOSIT INSURANCE
 CORPORATION

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.
 18

Case No. 4:08-cv-04316

STIPULATION TO CONTINUE
 INITIAL CASE MANAGEMENT
 CONFERENCE; [~~Proposed~~] ORDER
 THEREON

19 WHEREAS, the Initial Case Management Conference in this matter is set for
 20 December 23, 2008, at 2:00 p.m. in Courtroom 2 of the above-entitled Court;

21 WHEREAS, on December 12, 2008, the Court granted the Federal Deposit
 22 Insurance Corporation ("FDIC") an additional 30 days to respond to the Complaint,
 23 up to an including January 16, 2008, so that plaintiff and the FDIC may evaluate
 24 plaintiff's request to modify his loan without incurring the additional expense of
 25 litigation;

26 WHEREAS, the parties below believe the interests of judicial economy will
 27 be better served by continuing the Initial Case Management Conference until a date
 28

1 after the plaintiff and the FDIC have had an opportunity to conclude their ongoing
2 discussions than by proceeding on December 23, 2008, as currently scheduled;

3 NOW THEREFORE, the parties stipulate by and between themselves ²⁰⁰⁹ that the
4 Initial Case Management Conference be continued to ~~Tuesday, February 3, 2008~~
5 at 2:00 p.m. in Courtroom 2, and that attendant deadlines regarding ADR, Rule
6 26(f) disclosures and Case Management Statements be continued accordingly.

7 Dated: _____ ALLEN MATKINS LECK GAMBLE
8 MALLORY & NATSIS LLP
9 DAVID R. ZARO
10 JOSHUA R. MANDELL

11 By: _____
12 JOSHUA R. MANDELL
13 Attorneys for Defendant
14 FEDERAL DEPOSIT INSURANCE
15 CORPORATION

16 Dated: December 15, 2008 REED SMITH LLP
17 LORENZO EMILIO GASPARETTI
18 KAREN A. BRAJE
19 KRISTINE HUAJEAN CHEN

20 By: Karen A. Braje
21 KAREN A. BRAJE
22 Attorneys for Defendant
23 MORTGAGETT, INC.

24 Dated: _____ JENKINS MULLIGAN & GABRIEL
25 LLP
26 TOM JENKINS
27 DAN MULLIGAN

28 By: _____
DAN MULLIGAN
Attorneys for Plaintiff
HENRY BOTELHO

29 PURSUANT TO STIPULATION, IT IS SO ORDERED,

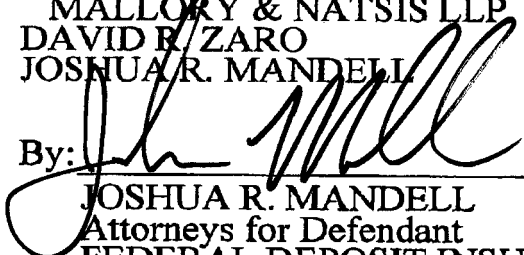
30 Dated: 12/16/08 Claudia Wilken
31 Hon. Claudia Wilken
32 United States District Court Judge

1 after the plaintiff and the FDIC have had an opportunity to conclude their ongoing
2 discussions than by proceeding on December 23, 2008, as currently scheduled;

3 NOW THEREFORE, the parties stipulate by and between themselves that the
4 Initial Case Management Conference be continued to **Tuesday, February 3, 2008**
5 **at 2:00 p.m. in Courtroom 2**, and that attendant deadlines regarding ADR, Rule
6 26(f) disclosures and Case Management Statements be continued accordingly.

7 Dated: Dec. 15, 2008

8 ALLEN MATKINS LECK GAMBLE
9 MALLORY & NATSIS LLP
10 DAVID R. ZARO
11 JOSHUA R. MANDELL

12 By: 
13 JOSHUA R. MANDELL
14 Attorneys for Defendant
15 FEDERAL DEPOSIT INSURANCE
16 CORPORATION

17 Dated: _____

18 REED SMITH LLP
19 LORENZO EMILIO GASPARETTI
20 KAREN A. BRAJE
21 KRISTINE HUAJEAN CHEN

22 By: _____
23 KAREN A. BRAJE
24 Attorneys for Defendant
25 MORTGAGEIT, INC.

26 Dated: Dec 15, 2008

27 JENKINS MULLIGAN & GABRIEL
28 LLP
TOM JENKINS
DAN MULLIGAN

By: 
DAN MULLIGAN
Attorneys for Plaintiff
HENRY BOTELHO

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: _____

Hon. Claudia Wilken
United States District Court Judge