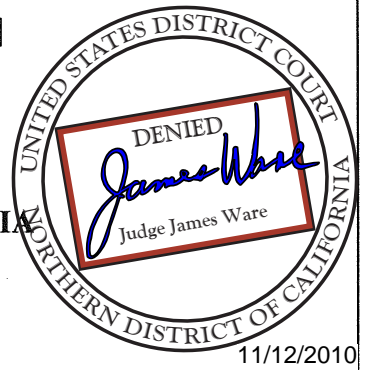


1 [Complete list of parties represented may be found on signature page]

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION



ANITA HUNTER, et al.  
Plaintiffs,  
vs.  
CITIBANK, N.A., et al.  
Defendants

Case No.: 09-cv-02079 JW

Assigned to Hon. James Ware

**STIPULATION AND [PROPOSED]  
ORDER RE: HEARING ON MOTION  
FOR SUMMARY JUDGMENT AND  
FACT DISCOVERY CUTOFF**

Related to Case No.: 5:09-md-02028 JW

WHEREAS, the preliminary approval hearing for the Wave III Settlements is set for February 7, 2011, and, if approved, the Wave III funds will add to the over \$106 million provided by Waves I and II;

WHEREAS, after Wave III, Plaintiffs believe only a small number of defendants will remain in this class action;

WHEREAS, one Defendant that will not be in Wave III is Defendant Silicon Valley law Group (“SVLG”);

WHEREAS, SVLG has filed its Motion for Summary Judgment (“MSJ”, Docket No. 402) which is presently calendared to be heard on January 31, 2011;

WHEREAS, Plaintiffs' opposition to the MSJ is presently due January 10, 2011;

WHEREAS, Counsel for Plaintiffs and SVLG agree that certain depositions must be taken before briefing on the MSJ can be completed;

WHEREAS, Counsel for Plaintiffs and SVLG agree that, due to the holidays and other conflicts, the discovery that must be completed to fully brief the MSJ cannot be completed within the existing schedule;

WHEREAS, in addition, the Bankruptcy Trustee appointed in the Okun Bankruptcy

1 Proceedings (*In re The 1031 Tax Group, LLC*, U.S. Bankruptcy Court, S.D.N.Y. Case No. 07-  
2 bk-11448-MG) has recently filed his case against SVLG in this Court (*McHale v. Silicon Valley*  
3 *Law Group*, Case No. 5:10-cv-04864-HRL);

4 WHEREAS, this Court has previously directed the parties to this action to coordinate  
5 depositions with the Bankruptcy Trustee when practicable;

6 WHEREAS, in order to provide time for the MSJ discovery to be coordinated with the  
7 Trustee and completed, Counsel for Plaintiffs and SVLG agree that the MSJ hearing date  
8 should be continued by 60 days, or until April 1, 2011, so long as the other dates herein  
9 discussed are also continued;<sup>1</sup>

10 WHEREAS, Counsel for Plaintiffs and SVLG, as well as counsel for certain other  
11 defendants, agree that, while in the near term the focus of depositions will likely be on  
12 completing the MSJ discovery, additional depositions are needed to prepare for trial, and the  
13 current fact discovery cut-off of February 14, 2011 needs be continued to allow time for that  
14 additional fact discovery to be completed, particularly as to damages, after the MSJ is ruled  
15 upon;

16 WHEREAS, Counsel for Plaintiffs and the Defendants<sup>2</sup> agree that the following case  
17 deadlines should all be continued: (1) the MSJ hearing date should be continued by roughly 60  
18 days, or until April 1, 2011; (2) the fact discovery cut-off should be continued by roughly 90  
19 days or until May 13, 2011; (3) the Expert Disclosure deadline (presently March 14, 2011)  
20 should be continued to May 23, 2011; and, (4) the deadline for Disclosure of Rebuttal Expert  
21 Witnesses (presently March 28, 2011) should be continued to May 31, 2011.

22 NOW THEREFORE, BASED UPON THE FOREGOING, IT IS HEREBY  
23 STIPULATED AND AGREED THAT: the hearing date on SVLG's MSJ should be continued  
24 until April 1, 2011; the fact discovery cut-off should be continued to May 13, 2011; the Expert  
25

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26 <sup>1</sup> SVLG's agreement to continue the MSJ hearing date is contingent upon the other dates herein  
27 discussed also being continued.

28 <sup>2</sup> Defendants Foley & Lardner and Steve Burr, as well as Defendants Kutak Rock and Joe Kavan are not  
parties to this Stipulation because they are settling in Wave III and have been exempted from discovery  
pending approval of their respective settlements pursuant to prior stipulations.

1 Disclosure deadline should be continued to May 23, 2011; and, the deadline for Disclosure of  
2 Rebuttal Expert Witnesses should be continued to May 31, 2011. All other dates previously  
3 ordered by the court in Docket No. 370 will remain the same.

4 Dated: November 11, 2010

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1 Dated: November 11, 2010

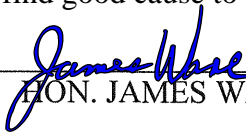
**LERCH STURMER LLP**

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**IT IS SO ORDERED.** The Court does not find good cause to grant the parties' stipulation.

Dated: November 12, 2010

  
\_\_\_\_\_  
HON. JAMES WARE

I, Michael P. Denver am the ECF User whose ID and password are being used to file this  
**STIPULATION AND PROPOSED ORDER RE: HEARING ON MOTION FOR  
SUMMARY JUDGMENT AND FACT DISCOVERY CUTOFF.** In compliance with  
General Order 45, X.B., I hereby attest that the counsel whose e-signature appears on the  
foregoing signature pages has concurred in this filing.

/s/  
\_\_\_\_\_  
Michael P. Denver