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13 Attorneys for Defendants *EverBank a/k/a*
 14 *EverBank Direct a/k/a EverBank Federal*
Savings Association, EverBank Financial
 15 *Corp. and EverBank World Markets*

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **(SAN FRANCISCO DIVISION)**

19 EK VATHANA, individually and on behalf of
 all others similarly situated,

20 Plaintiffs,

21 v.

22 EVERBANK, etc.

23 Defendants.

Case No. 09-CV-02338-RS

**STIPULATION AND [~~PROPOSED~~]
 ORDER TO MODIFY HEARING
 DATE FOR PLAINTIFF'S MOTION
 FOR PARTIAL SUMMARY
 JUDGMENT**

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1 Pursuant to Local Rule 6-2 and 7-12 of the Northern District of California, Plaintiff Ek
2 Vathana (“Vathana”) and defendants EverBank a/k/a EverBank Direct a/k/a EverBank Federal
3 Savings Association, EverBank Financial Corp. and EverBank World Markets (collectively,
4 “EverBank”) (together, the “Parties”) agree and stipulate as follows:

5 1. On August 5, 2015, the parties submitted a stipulation to extend the briefing
6 schedule for Vathana’s Motion for Partial Summary Judgment. (ECF No. 161).

7 2. On August 5, 2015, the Court granted the parties’ stipulation to modify the existing
8 brief schedule. The Court also, *sua sponte*, continued the hearing to September 24, 2015 at 1:30
9 p.m. (ECF No. 162).

10 3. Counsel for EverBank is scheduled to be out of the country on September 24, 2015,
11 and is therefore unable to attend the hearing currently scheduled for September 24, 2015.

12 4. Counsel for Vathana has agreed to moving the hearing date to October 1, 2015 at
13 1:30 p.m.

14 5. The parties are informed that the Court is available on October 1, 2015 at 1:30 p.m.

15 NOW, WHEREFORE, the parties stipulate and agree, subject to the Court’s approval, the
16 hearing for the Vathana’s Motion for Partial Summary Judgment is moved to October 1, 2015 at
17 1:30 p.m.

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Respectfully submitted,



Dated: August 7, 2015

By: _____

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Attorney for Plaintiff:
Ek Vathana

Dated: August 7, 2015

By: /s/ Deborah S. Birnbach

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Attorneys for Defendants:
*EverBank a/k/a EverBank Direct a/k/a
EverBank Federal Savings Association;
EverBank Financial Corp. and EverBank
World Markets*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/10, 2015



HON. RICHARD SEEBOR
U.S. DISTRICT COURT JUDGE