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14 Attorneys for Defendants:
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 15 EverBank Federal Savings Association;
 EverBank Financial Corp; and EverBank
 16 World Markets
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18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN JOSE DIVISION**

21 EK VATHANA, individually and on behalf of
 all others similarly situated,
 22

Plaintiffs,

v.

24 EVERBANK a/k/a EVERBANK DIRECT
 25 a/k/a EVERBANK FEDERAL SAVINGS
 ASSOCIATION, EVERBANK FINANCIAL
 26 CORP, EVERBANK WORLD MARKETS,
 and DOES 1 to 25,
 27

Defendants.

Case No. 09-CV-02338-RS

~~**[PROPOSED] ORDER RESCHEDULING
 INITIAL CASE MANAGEMENT
 CONFERENCE AND EXTENDING
 RELEVANT DEADLINES AND
 PERMITTING THE PARTIES TO
 PARTICIPATE IN THE CONFERENCE
 BY TELEPHONE**~~

Courtroom: 4
 Judge: Hon. Richard Seeborg

STIPULATION AND ORDER TO
 TEMPORARILY SUSPEND LOCAL
 ALTERNATIVE DISPUTE RESOLUTION
 REQUIREMENTS

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Upon consideration of the Joint Stipulation to Temporarily Suspend Local Alternative Dispute Resolution Requirements filed by plaintiff **Ek Vathana** and defendants **EverBank, EverBank Financial Corporation and EverBank World Markets** (collectively, “Defendants”), **IT IS HEREBY ORDERED** as follows:

1. All ADR requirements imposed by the Northern District of California be temporarily suspended until the Court determines whether to certify the putative class requested in the Complaint.

Dated: October 29, 2009


HON. RICHARD SEEBORG
United States Magistrate Judge

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PROOF OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this 28th day of October, 2009.

/s/ Deborah S. Birnbach
Deborah S. Birnbach