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E-Filed 4/15/2010

5 Attorneys for Plaintiff
6 MARCUS ADAMIAN

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

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11 MARCUS ADAMIAN, an individual,

Case No.: CV10-0049 JF PVT

12 Plaintiff,

13 vs.

**STIPULATION AND ORDER TO MODIFY
CASE MANAGEMENT SCHEDULE**

14 BANK OF AMERICA, NATIONAL
15 ASSOCIATION, a corporation;
16 WELLS FARGO BANK, NATIONAL
17 ASSOCIATION, a corporation;
18 FIRST AMERICAN LOANSTAR TRUSTEE
19 SERVICES, LLC, a limited liability company; and
20 DOES 1 through 200, inclusive,

21 Defendants.

21 Plaintiff MARCUS ADAMIAN and Defendants BANK OF AMERICA, NATIONAL
22 ASSOCIATION ("BofA"), WELLS FARGO BANK, NATIONAL ASSOCIATION ("WELLS
23 FARGO"), and FIRST AMERICAN LOANSTAR TRUSTEE SERVICES, LLC ("LOANSTAR"),
24 (collectively "DEFENDANTS") and their counsel, hereby stipulate as follows:

25 WHEREAS, on or about October 23, 2009, Defendant LOANSTAR conducted a trustee's sale
26 ("Trustee's Sale") of Plaintiff's property located at 2624 Cherry Avenue, San Jose, California (the
27 "Adamian Property").

28

1 WHEREAS, Plaintiff filed an action in Superior Court of California, County of Santa Clara on
2 November 20, 2009 alleging, *inter alia*, the wrongful foreclosure of the Adamian Property by
3 DEFENDANTS and seeking to cancel the trustee's deed.

4 WHEREAS, Plaintiff further seeks restitution and other relief for alleged wrongdoing in
5 connection with the origination of a loan secured by the Adamian Property.

6 WHEREAS, Defendants BofA and WELLS FARGO filed a Notice of Removal on January 6,
7 2010 to remove the case to federal court, United States District Court, Northern District of California.

8 WHEREAS, Defendants BofA and WELLS FARGO have agreed to review, and Plaintiff has
9 submitted, documentation for the approval of a loan modification. If approved, the loan modification
10 may result in the cancellation of the foreclosure and a complete resolution of this case.

11 WHEREAS, DEFENDANTS have continued their pending motions to dismiss to June 25, 2010
12 and also wish to modify the case management schedule to allow Defendants BofA and WELLS FARGO
13 sufficient time to review Plaintiff's pending request for a loan modification, and thus avoid incurring the
14 costs of litigation that may prove to be unnecessary.

15 THEREFORE, the parties agree as follows:


16 1. The parties agree, subject to the approval of the court, to modify the case management schedule as
17 follows:

DATE	EVENT
6/4/2010	Last day to: <ul style="list-style-type: none"><li data-bbox="711 1415 1349 1562">• Meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan<li data-bbox="711 1591 1292 1682">• File ADR Certification signed by Parties and Counsel<li data-bbox="711 1711 1370 1801">• File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

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6/18/2010	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
6/25/2010	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 3, 5 th Floor, SJ at 10:30 AM
6/25/2010	DEFENDANTS have, or will, set the hearing for their motions to dismiss to this date. Plaintiff will file either an opposition to said motions or his First Amended Complaint at least 21 days before the hearing on said motions.


Cracolice & Associates



 James R. Cracolice
 Attorney for Plaintiff
 MARCUS ADAMIAN

Date: 4/9/10

SEVERSON & WERSON, APC

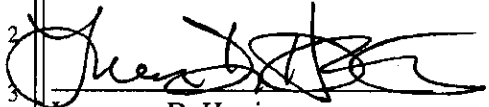


 Jon D. Ives
 Attorney for Defendants
 BANK OF AMERICA, NATIONAL
 ASSOCIATION and WELLS FARGO BANK,
 NATIONAL ASSOCIATION

Date: 4/9/10

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1 LAW OFFICES OF GLENN H. WECHSLER

2 

Date: 4-9-10

3 Lawrence D. Harris
4 Attorney for Defendant
5 FIRST AMERICAN LOANSTAR TRUSTEE
6 SERVICES, LLC

7 **ORDER**

8 On reading the stipulation of the parties hereto for a modification of the case management
9 schedule and good cause appearing therefor,


10 PURSUANT TO THE STIPULATION, IT IS HEREBY ORDERED that the case management
11 schedule is modified as follows:

DATE	EVENT
6/4/2010	Last day to: <ul style="list-style-type: none">• Meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan• File ADR Certification signed by Parties and Counsel• File either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
6/18/2010	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement

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6/25/2010	INITIAL CASE MANAGEMENT CONFERENCE (CMC) in Courtroom 3, 5 th Floor, SJ at 10:30 AM
6/25/2010	DEFENDANTS have, or will, set the hearing for their motions to dismiss to this date. Plaintiff will file either an opposition to said motions or his First Amended Complaint at least 21 days before the hearing on said motions.

DATED: 4/12/2010

By: 
The Honorable Jeremy Fogel,
United States District Judge