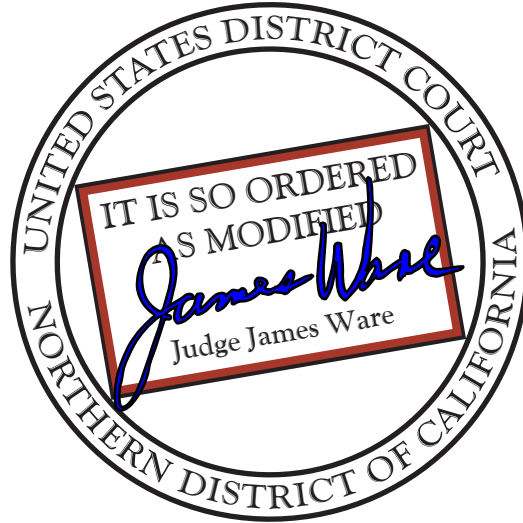


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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

MARIA PEREZ on behalf of herself and all
others similarly situated

Plaintiff,

v.

MIDLAND FUNDING, LLC

Defendant.

) Case No. CV 10-01916 JW

)
) **STIPULATION RE FILING OF FIRST**
) **AMENDED COMPLAINT**

1 Plaintiff Maria Perez and Defendant Midland Funding LLC, through their respective
2 counsel of record, hereby stipulate as follows:

3 WHEREAS, Plaintiff filed her initial Complaint in this action on May 4, 2010; and

4 WHEREAS, Defendant timely filed a Motion to Dismiss and a Motion to Strike specified
5 allegations of the Complaint; and

6 WHEREAS, Plaintiff desires to amend the Complaint to clarify her allegations and to
7 address certain of the points raised by Defendant in its motions;

8 IT IS, THEREFORE, STIPULATED AND AGREED that:

9 1. Plaintiff may file a First Amended Complaint on or before July 21, 2010.

10 2. **In light of this Stipulation and Order, Defendant's pending Motions to**
11 **Dismiss and to Strike (Docket Item Nos. 6 & 7), are DENIED as moot and the**
12 **November 15, 2010 hearing for those Motions is VACATED.**

13
14
15 **SO STIPULATED.**

16
17 Dated: July 1, 2010

DUPRE LAW FIRM, P.C.
LAW OFFICE OF WILLIAM E. KENNEDY
CHAVEZ & GERTLER LLP
KEMNITZER, BARRON & KRIEG LLP

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19
20 By: /s/ Nance F. Becker
Nance F. Becker
Attorneys for Plaintiff Maria Perez


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22
23 Dated: July 1, 2010

GORDON & REES LLP

24
25 By: 
Douglas Smith
Attorneys for Defendant
Midland Funding LLC

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27
28 ***** IT IS SO ORDERED AS MODIFIED *****

Dated: July 7, 2010


JAMES WARE
United States District Judge