

**** E-filed August 26, 2010 ****

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11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**
 13

BRYAN CAVE LLP
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 SAN FRANCISCO, CA 94111-3907

14 RAGHAV BHARGAVA and SANGEETA
 BHARGAVA,
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16 Plaintiffs,
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18 vs.
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20 BANK OF AMERICA, N.A. a National
 Banking Association; BAC HOME LOANS
 21 SERVICING, LP, a limited partnership; and
 22 DOES 1-10 inclusive,
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24 Defendants.
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Case No. 5:10-cv-03423-HRL

Hon. Howard R. Lloyd

**JOINT STIPULATED REQUEST FOR
 ORDER EXTENDING DEFENDANTS'
 TIME TO RESPOND TO COMPLAINT
 AND EXTENDING PRELIMINARY
 INJUNCTION HEARING DATE,
 BRIEFING SCHEDULE, AND
 TEMPORARY RESTRAINING ORDER;
~~PROPOSED~~ ORDER**

Complaint Filed: July 29, 2010
 Trial Date: Not set

[N.D. Local Rule 6-2]

1 STIPULATION

2 Defendants Bank of America, N.A. and BAC Home Loans Servicing, LP (“Defendants”)
3 and Plaintiffs Raghav Bhargava and Sangeeta Bhargava (“Plaintiffs”) (collectively the “Parties”),
4 by and through their counsel of record, hereby stipulate and agree as follows:

5 1. Pursuant to the Parties’ previous stipulation, the Court entered its order dated
6 August 16, 2010, extending Defendants’ time to respond to the Complaint to September 13, 2010.

7 2. The Parties stipulate and hereby request this Court extend the time for Defendants
8 to respond to the Complaint to September 28, 2010.

9 3. The OSC Re Preliminary Injunction issued and filed on July 22, 2010, in the
10 lawsuit entitled *Bhargava, et al. v. Bank of America, N.A., et al.*, Santa Clara County Superior
11 Court, Case No. 110CV177251 (the “State Court Action”), is scheduled for hearing in this Court
12 on September 21, 2010, at 10:00 a.m.

13 4. Pursuant to the Parties’ previous stipulation, the Court entered its order on August
14 20, 2010, setting forth the following briefing schedule for the OSC Re Preliminary Injunction:

15 a. Defendants shall file and serve their opposition brief to the OSC Re
16 Preliminary Injunction on or before August 27, 2010.

17 b. Plaintiffs shall serve and file their final reply brief with respect to the OSC
18 Re Preliminary Injunction on or before September 7, 2010.

19 5. The Parties stipulate and hereby request this Court extend the preliminary
20 injunction hearing date and briefing schedule as follows:

21 a. The preliminary injunction shall be scheduled for hearing in this Court on
22 October 19, 2010, at 10:00 a.m.

23 b. Defendants shall file and serve their opposition brief to the OSC Re
24 Preliminary Injunction on or before September 28, 2010.

25 c. Plaintiffs shall file and serve their final reply brief with respect to the OSC
26 Re Preliminary Injunction on or before October 5, 2010.

27 6. The Temporary Restraining Order (“TRO”) signed and filed on July 22, 2010, in
28 the State Court Action, and subsequently filed in this Court, shall remain in effect pending the

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1 preliminary injunction hearing scheduled in paragraph 5 above. Pursuant to the TRO, defendants
2 are restrained and enjoined from (a) selling, listing for sale, marketing or otherwise attempting to
3 sell certain real property formerly owned by plaintiffs located at 11860 Francemont Avenue, Los
4 Altos Hills, California (the "Property"); (b) informing any credit reporting agency or service of the
5 foreclosure sale of the Property that occurred on June 21, 2010, pursuant to which defendant BAC
6 Home Loans Servicing, LP, acquired title to the Property; and (c) attempting to evict or evicting
7 plaintiffs from the Property.

8 7. The Parties are currently engaged in settlement negotiations. An extension of time
9 for Defendants to respond to the Complaint and submit briefs in response to the OSC Re
10 Preliminary Injunction will allow the Parties time to further investigate this matter and discuss
11 settlement without incurring additional attorneys' fees and costs associated with litigation.

12 8. The extensions of time requested herein would not result in prejudice to any party
13 to this action or to this Court.

14 **IT IS SO STIPULATED.**

15
16 Dated: August 25, 2010

MILLER STARR REGALIA

17
18 By: Bruce Laidlaw

19 Bruce Laidlaw
20 Attorneys for Plaintiffs
21 RAGHAV BHARGAVA and SANGEETA
 BHARGAVA

22 Dated: August 25, 2010

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~~PROPOSED~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing IT IS SO ORDERED.

August 26, 2010, 2010



HOWARD R. LOYD
United States Magistrate Judge