

BRYAN CAVE LLP
TWO EMBARCADERO CENTER, SUITE 1410
SAN FRANCISCO, CA 94111-3907

1 **BRYAN CAVE LLP**
Tracy M. Talbot, California Bar No. 259786
2 Two Embarcadero Center, Suite 1410
Telephone: 415-675-3400
3 Facsimile: 415-675-3434
E-mail: tracy.talbot@bryancave.com

4 **BRYAN CAVE LLP**
5 Robert E. Boone III, California Bar No. 132780
120 Broadway, Suite 300
6 Santa Monica, CA 90401-2386
Telephone: 310-576-2100
7 Facsimile: 310-576-2200
Email: reboone@bryancave.com

8 Attorneys for Defendants
9 BANK OF AMERICA, N.A. and
BAC HOME LOANS SERVICING, LP

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

14 RAGHAV BHARGAVA and SANGEETA
BHARGAVA,

15
16 Plaintiffs,

17 vs.

18 BANK OF AMERICA, N.A. a National
Banking Association; BAC HOME LOANS
SERVICING, LP, a limited partnership; and
19 DOES 1-10 inclusive,

20 Defendants.

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 September 28, 2010, extending Defendants’ time to respond to the Complaint to October 19, 2010.

7 2. The Parties are finalizing a formal settlement agreement. Therefore, the Parties
8 stipulate and hereby request this Court extend the time for Defendants to respond to the Complaint
9 to October 26, 2010, to allow sufficient time to finalize the settlement without incurring additional
10 costs and fees associated with formally responding to the Complaint.

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

15 4. The Parties stipulate and hereby request this Court extend the preliminary
16 injunction hearing date and briefing schedule as follows:

- 17 a. The preliminary injunction shall be scheduled for hearing in this Court on
18 November 16, 2010, at 10:00 a.m.
- 19 b. Defendants shall file and serve their opposition brief to the OSC Re
20 Preliminary Injunction on or before October 26, 2010.
- 21 c. Plaintiffs shall file and serve their final reply brief with respect to the OSC
22 Re Preliminary Injunction on or before November 2, 2010.

23 5. The Temporary Restraining Order (“TRO”) signed and filed on July 22, 2010, in
24 the State Court Action, and subsequently filed in this Court, shall remain in effect pending the
25 preliminary injunction hearing scheduled in paragraph 4 above. Pursuant to the TRO, Defendants
26 are restrained and enjoined from (a) selling, listing for sale, marketing or otherwise attempting to
27 sell certain real property formerly owned by plaintiffs located at 11860 Francemont Avenue, Los
28 Altos Hills, California (the “Property”); (b) informing any credit reporting agency or service of the

1 foreclosure sale of the Property that occurred on June 21, 2010, pursuant to which defendant BAC
2 Home Loans Servicing, LP, acquired title to the Property; and (c) attempting to evict or evicting
3 plaintiffs from the Property.

4 6. The extensions of time requested herein would not result in prejudice to any party
5 to this action or to this Court.

6 **IT IS SO STIPULATED.**

8 Dated: October 19, 2010

MILLER STARR REGALIA

10 By: 
11 Bruce Laidlaw

12 Attorneys for Plaintiffs
13 RAGHAV BHARGAVA and SANGEETA
14 BHARGAVA

14 Dated: October 19, 2010

BRYAN CAVE LLP

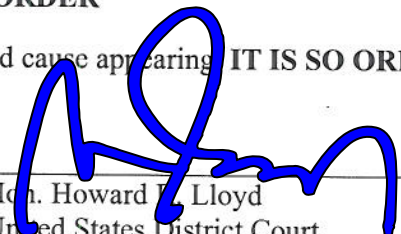
15 Robert E. Boone, III, Esq.
16 Tracy M. Talbot, Esq.

17 By: _____
18 Tracy M. Talbot
19 Attorneys for Defendants
20 BANK OF AMERICA, N.A. and
21 BAC HOME LOANS SERVICING, LP

22 ~~PROPOSED~~ ORDER

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

24 _____, 2010


25 Hon. Howard V. Lloyd
26 United States District Court
27 Northern District of California
28

1 foreclosure sale of the Property that occurred on June 21, 2010, pursuant to which defendant BAC
2 Home Loans Servicing, LP, acquired title to the Property; and (c) attempting to evict or evicting
3 plaintiffs from the Property.

4 6. The extensions of time requested herein would not result in prejudice to any party
5 to this action or to this Court.

6 **IT IS SO STIPULATED.**

7

8 Dated: October 19, 2010

MILLER STARR REGALIA

9

10

By: _____

Bruce Laidlaw

Attorneys for Plaintiffs

RAGHAV BHARGAVA and SANGEETA

BHARGAVA

14

Dated: October 19, 2010

BRYAN CAVE LLP

Robert E. Boone, III, Esq.

Tracy M. Talbot, Esq.

16

17

By: /s/ Tracy M. Talbot

Tracy M. Talbot

Attorneys for Defendants

BANK OF AMERICA, N.A. and

BAC HOME LOANS SERVICING, LP

20

21

[PROPOSED] ORDER

22

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

23

24

_____, 2010

25

Hon. Howard R. Lloyd

United States District Court

Northern District of California

26

27

28