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**** E-filed October 27, 2010 ****

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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,

Case No. 5:10-cv-03423-HRL

15
16 Plaintiffs,

Hon. Howard R. Lloyd

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,

**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**

20 Defendants.

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

23 **[N.D. Local Rule 6-2]**

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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 October 20, 2010, extending Defendants’ time to respond to the Complaint to October 26, 2010.

7 2. The Parties are continuing to finalize a formal settlement agreement. Therefore, the
8 Parties stipulate and hereby request this Court extend the time for Defendants to respond to the
9 Complaint to November 2, 2010, to allow sufficient time to finalize the settlement without
10 incurring additional 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 16, 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 23, 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 November 2, 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 9, 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

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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. As the Parties anticipate finalizing a settlement agreement this week, the Parties do
5 not anticipate requesting any additional extensions of time from the Court. The extensions of time
6 requested herein would not result in prejudice to any party to this action or to this Court.

7 **IT IS SO STIPULATED.**

9 Dated: October 26, 2010

MILLER STARR REGALIA

12 By: _____

13 Bruce Laidlaw
14 Attorneys for Plaintiffs
15 RAGHAV BHARGAVA and SANGEETA
16 BHARGAVA

15 Dated: October 26, 2010

BRYAN CAVE LLP

17 Robert E. Boone, III, Esq.
18 Tracy M. Talbot, Esq.

18 By: /s/ Tracy M. Talbot

19 Tracy M. Talbot
20 Attorneys for Defendants
21 BANK OF AMERICA, N.A. and
22 BAC HOME LOANS SERVICING, LP

23 ~~[PROPOSED]~~ ORDER

24 Pursuant to the foregoing Stipulation, and good cause appearing **IT IS SO ORDERED.**
25 **This is the final continuance.**

26 _____, 2010

27 Hon. Howard R. Lloyd
28 United States District Court
Northern District of California

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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. As the Parties anticipate finalizing a settlement agreement this week, the Parties do
5 not anticipate requesting any additional extensions of time from the Court. The extensions of time
6 requested herein would not result in prejudice to any party to this action or to this Court.

7 **IT IS SO STIPULATED.**

8
9 Dated: October 25, 2010

MILLER STARR REGALIA

11 By: 
12 Bruce Laidlaw
13 Attorneys for Plaintiffs
14 RAGHAV BHARGAVA and SANGEETA
BHARGAVA

15 Dated: October 25, 2010

16 **BRYAN CAVE LLP**
17 Robert E. Boone, III, Esq.
Tracy M. Talbot, Esq.
18 By: _____
19 Tracy M. Talbot
20 Attorneys for Defendants
BANK OF AMERICA, N.A. and
BAC HOME LOANS SERVICING, LP

21
22 **[PROPOSED] ORDER**

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

24
25 _____, 2010

26 _____
27 Hon. Howard R. Lloyd
United States District Court
Northern District of California