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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

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 15
 16 HAROLD HIGGINBOTTOM, dba
 HIGGINBOTTOM FLOOR COVERING,
 17 an individual; on behalf of himself and all
 others similarly situated,

18 Plaintiff,

19 v.

20 U.S. BANCORP, a Delaware
 Corporation; U.S. BANK, NATIONAL
 21 ASSOCIATION; LYON FINANCIAL
 SERVICES, INC., a Minnesota
 Corporation, dba U.S. BANCORP
 22 MANIFEST FUNDING SERVICES,
 23

24 Defendants.

Case No. CV-10-4593 EJD

**STIPULATION AND REQUEST TO
 EXTEND DEADLINE TO FILE
 FIRST AMENDED COMPLAINT;
 [PROPOSED] ORDER**

Judge: Hon. Edward J. Davila

1 **TO THE COURT AND ALL COUNSEL OF RECORD:**

2 Pursuant to Northern District Civil Local Rule 6-2, Plaintiff Harold Higginbottom
3 and Defendants U.S. Bancorp, U.S. Bank, National Association, and Lyon Financial
4 Services, Inc. (collectively, "Defendants"), through their attorneys, hereby stipulate and
5 request that the deadline for Plaintiff to file his First Amended Complaint be extended to
6 June 1, 2011.

7 The current deadline to file the First Amended Complaint is May 25, 2011. An
8 extension of one week until June 1, 2011 will not effect any other deadlines already fixed
9 by this Court. The parties are currently engaged in settlement discussions to resolve the
10 disputes in this matter and request additional time to complete these discussions prior to
11 the filing of the First Amended Complaint.

12 **IT IS SO STIPULATED AND AGREED.**

13 Dated: May 23, 2011

COTCHETT, PITRE & McCARTHY, LLP

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15 By: /s/ Eric J. Buescher
16 ERIC J. BUESCHER
17 *Attorneys for Plaintiff*

18 Dated: May 23, 2011

MORRISON & FOERSTER LLP

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20 By: /s/ Rebecca S. Saeloa
21 REBECCA S. SAELAO
22 *Attorneys for Defendants U.S. Bancorp,*
U.S. Bank, National Association, and
Lyon Financial Services, Inc.

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~~PROPOSED~~ ORDER

Pursuant to the Parties Stipulation and Request, IT IS ORDERED that the deadline for Plaintiff to file his First Amended Complaint is continued to June 1, 2011.

DATE: May 24, 2011



Hon. Edward J. Davila