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****E-Filed 10/27/2010****

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

JOHN H. GIORDANO and GEORGANA G. GIORDANA,

Plaintiffs,

vs.

WACHOVIA MORTGAGE, FSB: WELLS FARGO, N.A.; ETS SERVICES, LLC and DOES 1 to 100, inclusive,

Defendants.

Case No.: CV10-4661-JF (PVT)

(Hon. Jeremy Fogel)

ORDER ON PLAINTIFFS’ AND DEFENDANT WACHOVIA’S STIPULATED PROPOSED BRIEFING SCHEDULE, HEARING AND POSTPONEMENT OF TRUSTEE’S SALE

The Court having reviewed Plaintiffs’ and Defendant Wachovia’s Stipulated Briefing Schedule, Hearing and Postponement of Trustee’s Sale and GOOD CAUSE APPEARING,

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IT IS HEREBY ORDERED THAT:

1. Plaintiffs shall file their Motion for a Preliminary Injunction and supporting papers on November 5, 2010;
2. Wachovia shall file its Motion to Dismiss and Motion to Strike and supporting papers on November 5, 2010;
3. Plaintiffs' Motion for Preliminary Injunction and Wachovia's Motion to Dismiss and Motion to Strike shall be heard concurrently on December 10, 2010 at 9:00 a.m., or -----at----- a.m.;
4. Local Rule 7-3 and 7-4 shall govern the abovementioned motions.
5. The trustee's sale on the subject property shall be no earlier than January 5, 2011.

Date: 10/27/2010



JON. JEREMY FOGEL
United States District Court Judge

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare that I am over the age of 18 and am not a party to this
3 action. I am employed in the City of Pasadena, California; my business address is Anglin,
4 Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600,
Pasadena, California 91101-2459.

5 On the date below, I served a copy of the following document(s):

6 **ORDER ON PLAINTIFFS' AND DEFENDANT WACHOVIA'S**
7 **STIPULATED PROPOSED BRIEFING SCHEDULE, HEARING**
8 **AND POSTPONEMENT OF TRUSTEE'S SALE**

9 on all interested parties in said case addressed as follows:

10 **Served Electronically via Court's CM/ECF System:**

11 Stephen C. Ruehmann
12 Ruehmann Law Firm, P.C.
13 9580 Oak Avenue Parkway, Suite 15
14 Folsom, California 95630

Tel: 916.988.8001 / Fax: 916.988.8002

15 **BY MAIL:** By placing the envelope for collection and mailing following our ordinary
16 business practices. I am readily familiar with the firm's practice of collecting and processing
17 correspondence for mailing. On the same day that correspondence is placed for collection and
18 mailing, it is deposited in the ordinary course of business with the United States Postal Service
19 in Pasadena, California, in sealed envelopes with postage fully thereon.

20 I declare under penalty of perjury under the laws of the United States of America that
21 the foregoing is true and correct. I declare that I am employed in the office of a member of the
22 Bar of this Court at whose direction the service was made. This declaration is executed in
23 Pasadena, California, on **October 25, 2010**.

24 _____
25 Nancy J. Peters
26 (Print name)

27 _____
28 /s/ Nancy J. Peters
(Signature)