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 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**
 14

15 LARRY BUSCH, KAREN BUSCH,
 16 Plaintiffs,
 17 vs.

CASE NO. 5:11-CV-03192-EJD
**STIPULATION AND [proposed] ORDER
 FOR FILING OF FIRST AMENDED
 COMPLAINT**

18 CITIMORTGAGE, INC., AMERICAN
 HOME MORTGAGE SERVICING, INC.,
 19 LITTON LOAN SERVICING, L.P., MTGLQ
 INVESTORS, L.P., WL R/IVZ RESI NPL
 20 LLC, INVESTCO, RESI WHOLE LOAN IV
 LLC, DOES 1 through 150, all persons
 21 unknown claiming any legal or equitable right,
 title, estate lien, or interest in the real property
 22 described in the Complaint adverse to
 Plaintiff's title or any cloud on Plaintiff's title
 23 thereto,
 24 Defendants.

Judge: HON. EDWARD J. DAVILA
 Crtrm.: 1, 5TH FLOOR
 Trial Date: None Set

26 WHEREAS, this case was originally filed on June 17, 2011 in the Superior Court of the
 27 State of California, County of Santa Cruz, and was removed by certain defendants to this Court on
 28 June 28, 2011;

1 WHEREAS, Plaintiffs Larry Busch and Karen Busch (“Plaintiffs”) filed a Motion to
2 Remand on July 6, 2011;

3 WHEREAS, on July 12, 2011 Defendant AMERICAN HOME MORTGAGE
4 SERVICING, INC. filed its Motion to Dismiss Plaintiff’s Complaint, and on July 15, 2011
5 Defendant CITIMORTGAGE, INC. also filed its Motion to Dismiss. Both Motions were set for
6 hearing on November 4, 2011;

7 WHEREAS, on July 27, 2011, pursuant to the stipulation of the parties, the Court Ordered
8 a modified briefing schedule on the Motions to Dismiss, allowing the Opposition and Reply
9 briefing to take place after the Court heard the Motion to Remand;

10 WHEREAS, on August 17, 2011, the Court denied Plaintiff’s Motion to Remand;

11 WHEREAS, Plaintiffs’ Oppositions to Defendants’ Motions to Dismiss are presently due
12 to be filed on or before September 2, 2011.

13 WHEREAS, Plaintiffs have evaluated the Motions to Dismiss and issues raised therein and
14 determined it to be in the interest of efficiency and economy to amend their Complaint in an effort
15 to address and resolve various of the issues raised in the Motions to Dismiss;

16 WHEREAS, Plaintiffs have sought an agreement from counsel for Defendant AMERICAN
17 HOME MORTGAGE SERVICING, INC. and Defendant CITIMORTGAGE, INC. to stipulate for
18 leave to file a First Amended Complaint. The Parties hereto recognize that the narrowing of issues
19 with respect to the Motions to Dismiss would be mutually beneficial;

20 WHEREAS Defendant AMERICAN HOME MORTGAGE SERVICING, INC. and
21 Defendant CITIMORTGAGE, INC., anticipate that notwithstanding the amendment of the
22 Complaint they will file Motions to Dismiss as to the First Amended Complaint and would prefer
23 to maintain the present November 4, 2011 hearing date for that purpose;

24 **IT IS HEREBY STIPULATED** by and between the parties hereto, through their
25 respective attorneys of record, that Plaintiffs may file their First Amended Complaint on or before
26 September 16, 2011.

27 **IT IS FURTHER STIPULATED** that there are presently scheduled Motions to Dismiss
28 as to the initial Complaint, filed by CITIMORTGAGE, INC., and AMERICAN HOME

1 MORTGAGE SERVICING, INC., set for November 4, 2011. CITIMORTGAGE, INC., and
2 AMERICAN HOME MORTGAGE SERVICING, INC. anticipate that they will respectively
3 pursue Motions to Dismiss the First Amended Complaint, and hereby request that the Court hold
4 the November 4, 2011 date available for the anticipated Motions to Dismiss with respect to the
5 First Amended Complaint.

6 DATED: August 26, 2011

BASKIN & GRANT, LLP

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By: /s/

NATHAN C. BENJAMIN

Attorneys for LARRY BUSCH and KAREN
BUSCH, Plaintiffs

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11 DATED: August 26, 2011

LOCKE LORD BISSELL & LIDDELL LLP

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By: /s/

CONRAD V. SISON

Attorneys for AMERICAN HOME MORTGAGE
SERVICING, INC. Defendant

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16 DATED: August 26, 2011

BLED SOE, CATHCART, DIESTEL, PEDERSEN &
TREPPA LLP

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By: /s/

PETER J. VAN ZANDT

Attorneys for CITIMORTGAGE, INC., Defendant

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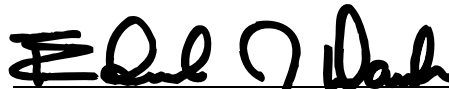
IT IS SO ORDERED with the following modification:

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In light of the Stipulation, the currently pending Motions to Dismiss [Docket Item Nos.
28 and 31] are TERMINATED. Any Motions to Dismiss the First Amended Complaint
23 may be noticed for a hearing on November 4, 2011, at 9:00 a.m.

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Honorable EDWARD J. DAVILA

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