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 BERNIE FRAN CZAK

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11 Attorneys for Defendant  
 SUNTRUST MORTGAGE INC.



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

16 BERNIE FRAN CZAK, an individual  
 17 Plaintiff,  
 18 v.  
 19 SUNTRUST MORTGAGE INC., a Virginia  
 business entity; and Does 1-50, inclusive,  
 20 Defendants.

Case No.: 12-CV-01453-EJD

Hon. Edward J. Davila

**STIPULATION TO STAY RESPONSE  
 DEADLINE TO PLAINTIFF'S  
 SECOND AMENDED COMPLAINT  
 PENDING RESOLUTION OF  
 PLAINTIFF'S MOTION FOR LEAVE  
 TO AMEND**

Date Action Filed: February 17, 2012

Trial Date: None Set

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Based on the above and for good cause the parties hereby stipulate as follows:

- 1. Defendant's response to the operative Second Amended Complaint shall be stayed pending the outcome of Plaintiff's motion for leave to file a Third Amended Complaint;
- 2. Should Plaintiff's motion be denied by the Court, Defendant shall respond to the operative Second Amended Complaint within fourteen (14) days of the date of said denial; or
- 3. Should Plaintiff's motion be granted by the Court, Defendant shall respond to the then operative Third Amended Complaint within fourteen (14) days of the date of said order.

Respectfully submitted.

Dated: April 1, 2013

MELLEN LAW FIRM

By: /s/ Jessica Galletta  
Jessica Galletta, Esq.  
Attorneys for Plaintiff  
BERNIE FRANCAZAK

Dated: April 1, 2013

WRIGHT, FINLAY & ZAK, LLP

By: /s/ Todd E. Chvat  
Todd Chvat, Esq.  
Attorney for Defendant  
SUNTRUST MORTGAGE, INC.

1 **PROOF OF SERVICE**

2 I, Margaret Augustyniak, declare as follows:

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4 I am employed in the County of Orange, State of California. I am over the age of  
5 eighteen (18) and not a party to the within action. My business address is 4665  
6 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily familiar  
7 with the practices of Wright, Finlay & Zak, LLP, for collection and processing of  
8 correspondence for mailing with the United States Postal Service. Such correspondence  
9 is deposited with the United States Postal Service the same day in the ordinary course of  
10 business.

11 On April 1, 2013, I served the within **STIPULATION TO STAY RESPONSE**  
12 **DEADLINE TO PLAINTIFF'S SECOND AMENDED COMPLAINT PENDING**  
13 **RESOLUTION OF PLAINTIFF'S MOTION FOR LEAVE TO AMEND** on all  
14 interested parties in this action as follows:

15  by placing  the original  a true copy thereof enclosed in sealed  
16 envelope(s) addressed as follows:

17 Matthew Mellen, Esq  
18 Jessica Galletta, Esq  
19 Mellen Law Firm  
20 411 Borel Avenue, Ste 230  
21 San Mateo, Ca 94420  
22 (650) 638-0120  
23 **Attorneys for Plaintiff**

24  (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed  
25 on this date following ordinary business practices.

26  (BY PERSONAL SERVICE) I caused to be delivered such envelope by  
27 hand delivered to the office of the addressee.

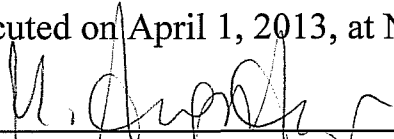
28  (BY FACSIMILE) The facsimile machine I used, with telephone no. (949)  
477-9200, complied with California Rules of Court, Rule 2003, and no error  
was reported by the machine. Pursuant to California Rules of Court, Rule  
2006(d), I caused the machine to print a transmission record of the  
transmission, a copy of which is attached to the original Proof of Service.

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(BY OVERNITE EXPRESS - NEXT DAY DELIVERY) I placed true and correct copies of thereof enclosed in a package designated by Federal Express with the delivery fees provided for.

(Federal) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 1, 2013, at Newport Beach, California.

  
\_\_\_\_\_  
Margaret Augustyniak