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 FIA Card Services, N.A., and
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9
 10 **IN THE UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN JOSE DIVISION**

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

15 STEPHENIE ROSE, on behalf of herself and
 all others similarly situated, _____/
 16 CAROL DUKE ET AL,
 Plaintiffs,

17 vs.

18 BANK OF AMERICA CORPORATION,
 and FIA CARD SERVICES, N.A.,
 19
 Defendants.

Case No.: 5:11-cv-02390 EJD
 Case No.: 5:12-cv-04009 EJD
JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO CONTINUE
STATUS CONFERENCE

Current Hearing Date:
 Date: July 12, 2013
 Time: 10:00 a.m.
 Crtm: 4

The Honorable Edward J. Davila

STIPULATION

1
2 This Joint Stipulation is made by and between Plaintiff Stephenie Rose, on behalf of herself
3 and all others similarly situated (“Plaintiff”), and defendants FIA Card Services, N.A. and Bank of
4 America Corporation (“Defendants”) (collectively, the “Parties”), by and through their counsel of
5 record, with reference to the following facts:
6

7 WHEREAS, on February 8, 2013, the Parties filed a Joint Statement Regarding Status of
8 Mediation and Settlement Discussions (Dkt. 47), in which the Parties explained that they had arrived
9 at the terms of a provisional settlement agreement in this case and related cases, including *Duke, et*
10 *al. v. Bank of America, N.A., et al.*, Case No. 5:12-cv-4009-EJD, and that the Parties were in the
11 process of finalizing a formal Settlement Agreement and conducting confirmatory discovery for
12 settlement purposes; and
13

14 WHEREAS, the Parties requested in their Joint Statement that the February 15, 2013, case
15 management conference be continued and that “the Court set a preliminary settlement approval
16 hearing for 9:00 a.m. on May 17, 2013, to allow the Parties sufficient time to complete confirmatory
17 discovery, negotiate in good faith the specific terms of a Settlement Agreement, and submit a
18 Settlement Agreement to the Court for preliminary approval” (*Id.*); and
19

20 WHEREAS, relying on the Parties’ Joint Statement, the Court, on February 12, 2013, issued
21 and Order vacating the February 15, 2013, case management conference, and scheduling a hearing
22 on the Parties’ anticipated motion for preliminary approval of class action settlement for Friday,
23 May 17, 2013, at 9:00 a.m. (Dkt. 48); and
24

25 WHEREAS, on May 6, 2013, the Parties filed a Joint Stipulation to continue the May 17,
26 2013, settlement approval hearing in order to “complete necessary confirmatory discovery given the
27 large class sizes and data issues involved” (Dkt. 49); and
28

WHEREAS, relying on the Parties’ Joint Stipulation, the Court, on May 7, 2013, issued an

1 order vacating the May 17, 2013, preliminary approval hearing and scheduling a status conference
2 for July 12, 2013, at 10:00 a.m. (Dkt. 50); and

3 WHEREAS, the Parties have completed all confirmatory discovery; and

4 WHEREAS, the Parties are negotiating in good faith the incorporation of certain information
5 gleaned through confirmatory discovery into the Parties' settlement agreement; and
6

7 WHEREAS, the Parties anticipate that they will have a final settlement agreement in place in
8 the coming weeks; and

9 WHEREAS, the Parties intend to file their motion for Preliminary Approval immediately
10 upon finalizing their settlement agreement; and

11 WHEREAS, given that a final settlement agreement appears to be imminent, the Parties
12 believe it would be the most efficient use of the Court's time to continue the status conference
13 approximately sixty (60) days;
14

15 NOW, THEREFORE, based on the foregoing, the Parties, by and through their respective
16 counsel of record, request that the Court vacate the status conference currently scheduled for Friday,
17 Friday, July 12, 2013, at 10:00 a.m., and request that the Court set a further status conference on
18 September 13, 2013.

19 IT IS SO STIPULATED.

20
21 DATED: July 9, 2013

REED SMITH LLP

22
23 By: /s/ David S. Reidy

24 Marc A. Lackner
25 David S. Reidy
26 Matthew J. Brady
27 Attorneys for Defendants
28 FIA Card Services, N.A. and
Bank of America Corporation

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DATED: July 9, 2013

LAW OFFICES OF DOUGLAS J CAMPION

By: /s/ Douglas J. Campion
Douglas J. Campion
Attorney for Plaintiff
Stephenie Rose

DATED: July 9, 2013

LIEFF CABRASER HEIMANN &
BERNSTEIN LLP

By: /s/ Jonathan D. Selbin
Jonathan D. Selbin
Attorneys for Plaintiff
Stephenie Rose

**Filer's Attestation: Pursuant to Civil L.R. 5-1(i)(3) regarding signatures, David S. Reidy hereby attests that concurrence in the filing of this document has been obtained.*

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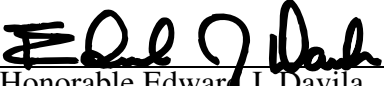
~~PROPOSED~~ ORDER

Pursuant to the stipulation above, and good cause appearing thereon, the status conference currently scheduled for Friday, July 12, 2013, at 10:00 a.m., is hereby vacated and a further status conference is scheduled on 9/13/2013, 2013, at 10:00 AM/PM for case numbers 5:11-cv-02390 EJD and 5:12-cv-04009 EJD. All counsel in both cases must appear personally at the status conference on 9/13 unless the motion for preliminary approval is filed prior to that date. The court will not consider further requests for a continuance of the status conference or requests to appear telephonically.

This order shall be filed in both case numbers.

IT IS SO ORDERED.

DATED: July 10, 2013

By: 
Honorable Edward J. Davila
United States District Court Judge