1 2 3 4 5	MANATT, PHELPS & PHILLIPS, LLP DONNA L. WILSON (SBN: 186984) JOHN W. MCGUINNESS (SBN: 277322) dlwilson@manatt.com jmcguinness@manatt.com 11355 West Olympic Boulevard Los Angeles, CA 90064-1614 Telephone: (310) 312-4000 Facsimile: (310) 312-4224			
6	Attorneys for Defendant CARRINGTON MORTGAGE SERVICES, LLC			
8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT			
10	SAN JOSE DIVISION			
11				
12	AHMED ABDELFATTAH, an individual,	CASE NO. 5:12-CV-04656-RMW		
13	Plaintiff,	STIPULATION AND [] ORDER REGARDING PLAINTIFF'S MOTION FOR		
14	vs.	LEAVE TO FILE SECOND AMENDED COMPLAINT		
15	CARRINGTON MORTGAGE SERVICES LLC, a limited liability corporation,	Judge: Hon. Ronald M. Whyte		
16	Defendant.	vaage: Hom Ronara III. Whyte		
17				
18	<u>STIPULATION</u>			
19	WHEREAS, the Court granted Defendant Carrington Mortgage Services, LLC's ("CMS")			
20	Motion to Strike Class Allegations on October 21, 2013, granting Plaintiff Ahmed Abdelfattah			
21	("Plaintiff") leave to amend the First Amended Complaint pursuant to the Order by November 20,			
22	2013;			
23	WHEREAS, Plaintiff filed a Motion for Leave to File Second Amended Complaint (the			
24	"Motion for Leave") on November 20, 2013, along with the accompanying Declaration of			
25	William E. Kennedy in support of the Motion for Leave, which attached as Exhibit 1 thereto a			
26	proposed Second Amended Complaint ("SAC");			
27		WHEREAS, the Parties believe that it will be most efficient for the Court and for the		
28 Manatt, Phelps & Phillips	Parties to proceed to responsive pleadings with respect to the proposed SAC; STIPULATION AND [] ORDER TO FILE SECOND AMENDED COMPLAINT CASE No. 5:12-cv-04656-RMW			

1	WHEREAS, by this Stipulation, there is no waiver of CMS's right to answer, move, or			
2	otherwise respond to the SAC;			
3	NOW, THEREFORE, Plaintiff and CMS, by and through their respective counsel of			
4	record, do hereby stipulate to and request an order from the Court, pursuant to Rule 15(a)(2) of			
5	the Federal Rules of Civil Procedure and Local Rule 7-12, as follows:			
6	1.	Plaintiff be granted leave to file the SAC as requested in Plaintiff's Motion for		
7		Leave;		
8	2.	Upon the Court's Order pursuant to this Stipulation, Plaintiff is to file the SAC		
9		within three court days;		
10	3.	CMS reserves all of its rights, without waiver, to answer, move or otherwise		
11		respond to the SAC;		
12	4.	CMS will answer, move or otherwise respond to the SAC by January 6, 2014; and		
13	5. Should CMS respond to the SAC by filing a motion, the briefing schedule will be			
14		as follows:		
15		a. CMS's deadline to file its motion is January 6, 2014;		
16		b. Plaintiff's deadline to file an opposition brief is January 20, 2014;		
17		c. CMS's deadline to file a reply brief is January 27, 2014;		
18		d. The hearing on the motion, if necessary, is February 14, 2014, or as soon		
19		thereafter as the matter may be heard by the Court.		
20	SO STIPULATED.			
21	Dated: Dec	cember 3, 2013 CONSUMER LAW OFFICE OF WILLIAM E. KENNEDY		
22		KLINILD I		
23		By: : /s/		
24	WILLIAM E. KENNEDY Attorneys for Plaintiff			
25		Ahmed Abdelfattah		
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1 2	Dated:	December 3, 2013	MANATT, PHELPS & PHILLIPS, LLP
3			By: :/s/
4			DONNA L. WILSON JOHN M. MCGUINNESS
5			Attorneys for Defendant Carrington Mortgage Services, LLC
6			
7			[] ORDER
8]	PURSUANT TO STIPUL	ATION, IT IS SO ORDERED.
9			R
10	Dated:		Honorable Ronald W. Whyte
11			Honorable Ronald W. Whyte Senior District Judge United States District Court
12			United States District Court
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