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1 Matthew D. Mellen (Bar No. 233350)
 Jessica Galletta (Bar No. 281179)
 2 MELLEN LAW FIRM
 411 Borel Avenue, Suite 230
 3 San Mateo, California 94402
 Telephone: (650) 638-0120
 4 Facsimile: (650) 638-0125

5 Attorney for Plaintiffs,
 MERILYN FULINARA
 6 NOE FULINARA

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

10 MERILYN FULINARA, an individual; and
 NOE FULINARA, an individual,

11 Plaintiffs,

12 v.

13 BANK OF NEW YORK MELLON; a business
 14 entity; BANK OF AMERICA, N.A., a business
 entity; and DOES 1 through 50, inclusive,

15 Defendants.

Case No.: 5:13-cv-03963-HRL

**JOINT STIPULATION TO FURTHER
 STAY LITIGATION PENDING
 EFFORTS TOWARDS INFORMAL
 RESOLUTION; ~~[PROPOSED]~~ ORDER**

[Filed Concurrently with [Proposed] Order]

Action Filed: November 15, 2012
 Trial Date: None Set

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 18 Pursuant to the Civil Local Rules of the United States District Court for the Northern
 19 District of California, Rule 6-2 and ADR Local Rules of the United States District Court for the
 20 Northern District of California, Rule 304(b), the parties, Plaintiffs, MERILYN FULINARA and
 21 NOE FULINARA, and Defendants, BANK OF NEW YORK MELLON and BANK OF
 22 AMERICA, N.A., hereby stipulate that:

- 23 1. WHEREAS Plaintiffs filed the instant action August 27, 2013.
 24 2. WHEREAS on October 28 2013, Defendants filed a Motion to Dismiss Plaintiffs'
 25 Complaint.
 26 3. WHEREAS on November 18, 2013, Plaintiffs filed an Amended Complaint
 27 4. WHEREAS on December 2, 2013, the parties agreed to extend the time for
 28 Defendants' response to Plaintiffs' First Amended Complaint until December 12, 2013.

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5. WHEREAS the parties continue to work diligently in hopes that this dispute can be resolved by way of a loan modification, and do not wish to incur any further expenses or expend judicial resources unnecessarily, but additional time is required to complete the loan modification review. The parties, therefore, agree as follows:

6. All proceedings will be stayed for one hundred and twenty days (120) days to allow for adequate time to process Plaintiffs' loan modification application and review Plaintiffs for a loan modification.

7. Pending the loan modification review, Defendants agree to postpone all foreclosure proceedings. Defendants also agree that any noticed trustee's sale concerning the subject property shall not be held while Plaintiffs' loan modification application is under review. If a mutually agreeable settlement is not reached, Defendants may elect to proceed with the postponed trustee's sale. In such event, counsel for Defendants shall provide Plaintiffs' counsel with written notice at least 10 days prior to any scheduled trustee's sale advising of Defendants' election.

8. Defendants' time to file and serve a responsive pleading to Plaintiffs' Complaint shall be extended to 15 days after the litigation stay expires.

9. The Initial Case Management Conference and all associated deadlines, shall be reset by the Court following the expiration of the stay, should the case not resolve.

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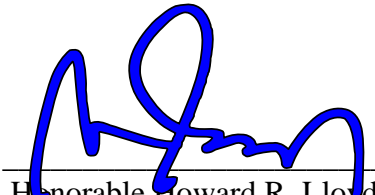
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18 Pursuant to the parties' Stipulation to Stay Litigation Pending Efforts Toward Informal
19 Resolution, and good cause appearing, IT IS SO ORDERED that:

- 20 1. All litigation proceedings, including but not limited to discovery and law and
21 motion, are stayed for 120 days from the date of this Order to allow for adequate time for
22 defendant Bank of America to process Plaintiffs' loan modification application and review
23 Plaintiffs for a loan modification
- 24 2. Defendants shall file and serve a responsive pleading to Plaintiffs' Complaint
25 within 15 days of the expiration of the litigation stay.
- 26 3. The initial Case Management Conference set for January 7, 2014, and all
27 associated deadlines, is hereby vacated and shall be reset by the Court following the expiration of
28 the stay, should the case not resolve.

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IT IS SO ORDERED.

Dated: 1/3/14



Honorable Howard R. Lloyd