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SUNTRUST MORTGAGE, INC.
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 FRANCISCO GUZMAN,
12 Plaintiff,

13 v.

14 EQUIFAX, INC.; BARCLAYS BANK
DELAWARE; BAYVIEW LOAN
15 SERVICING, LLC; SUNTRUST
MORTGAGE, INC., and DOES 1
16 through 100, inclusive,
17 Defendants.

Case No. 1:15-cv-00269-BLF-NC
*Assigned to Judge Beth Labson
Freeman and Magistrate Judge
Nathanael M. Cousins*

**STIPULATION TO CONTINUE
HEARING ON DEFENDANT
SUNTRUST MORTGAGE, INC.'S
MOTION TO DISMISS
COMPLAINT**

*~~Proposed~~ Order filed concurrently
herewith]*

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Complaint Filed: December 10, 2014
Current Hearing Date: June 11, 2015
Proposed Hearing Date: August 27,
2015

1 Plaintiff Francisco Guzman (“Plaintiff”), by and through his counsel of record,
2 Elliot W. Gale, Esq. of Sagaria Law, P.C., and Defendant SunTrust Mortgage, Inc.
3 (“SunTrust”), by and through its counsel of record, Hunter R. Eley, Esq. of Doll Amir
4 & Eley LLP, hereby submit this stipulation to continue the hearing date for Defendant
5 Suntrust Mortgage, Inc., Motion To Dismiss Complaint (“Motion to Dismiss”).

6 **WHEREAS:**

- 7 1. Plaintiff filed the Complaint in this adversary proceeding on December
8 10, 2014;
- 9 2. Plaintiff served the Complaint on SunTrust Mortgage, Inc., with a Notice
10 of Acknowledgement and Receipt, which was signed and returned to Plaintiff’s
11 counsel on December 29, 2014;
- 12 3. SunTrust filed its Motion to Dismiss on March 4, 2015;
- 13 4. The hearing on the Motion to Dismiss is currently on calendar for June
14 11, 2015 at 9:00 a.m.
- 15 5. The parties have been engaged in good faith settlement discussions and
16 would like additional time to pursue those discussions prior to moving forward with
17 Motion practice;
- 18 6. Counsel for SunTrust has communicated with the Courtroom Deputy to
19 the Hon. Beth Labson Freeman regarding the next available hearing date and has
20 reserved August 27, 2015 for the rescheduled Motion to Dismiss hearing (pending
21 approval by this Court);
- 22 7. The parties therefore respectfully request that the Motion to Dismiss
23 currently scheduled to be heard on June 11, 2015 at 9:00 a.m. be continued to August
24 27, 2015 at 9:00 a.m.

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NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:

The hearing date for SunTrust’s Motion to Dismiss Plaintiff’s Complaint be continued from June 11, 2015 at 9:00 a.m. to August 27, 2015 at 9:00 a.m.

Dated: June 10, 2015

DOLL AMIR & ELEY LLP

By /s/ Hunter R. Eley
Hunter R. Eley
Attorneys for Defendant
SUNTRUST MORTGAGE, INC.

Dated: June 10, 2015

SAGARIA LAW, P.C.

By /s/ Elliot W. Gale (w/ permission)
Elliot W. Gale
Attorneys for Plaintiff
FRANCISCO GUZMAN


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**~~PROPOSED~~ ORDER CONTINUING MOTION TO DISMISS PLAINTIFF'S
COMPLAINT**

Good cause having been shown, the Motion to Dismiss Plaintiff's Complaint scheduled for June 11, 2015 at 9:00 a.m. is continued, and shall be held on August 27, 2015 at 9:00 a.m. in the San Jose Courthouse, Courtroom 3 - 5th Floor, 280 South 1st Street, San Jose, CA 95113.

PURSUANT TO THE STIPULATION IT IS SO ORDERED.

Dated: June 10, 2015

By 
BETH LABSON FREEMAN
United States District Judge