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15 Attorneys for Defendant
16 BANK OF AMERICA, N.A.

17 **UNITED STATES DISTRICT COURT**
18 **SOUTHERN DISTRICT OF CALIFORNIA**
19 **SAN DIEGO DIVISION**

20 BRIAN WIGGINS on behalf of himself
21 and all others similarly situated,

22 Plaintiff,

23 v.

24 BANK OF AMERICA, N.A., and
25 DOES 1-50, inclusive

26 Defendants.

Case No. 3:21-md-02992-LAB

**JOINT MOTION TO STAY TIME
TO RESPOND TO COMPLAINT**

Courtroom: 14A
Judge: Hon. Larry Alan Burns

**No oral argument pursuant to Civil
Local Rule 7.2.**

Complaint filed: February 18, 2021

Filed/Lodged Concurrently with:
1. [Proposed] Order

1 Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rule 7.2,
2 Brian Wiggins (“Plaintiff”) and Defendant Bank of America, N.A. (“Defendant”)
3 (together, with Plaintiff, the “Parties”), through their undersigned counsel, stipulate
4 and jointly move this Court for an order to stay time for Defendant’s responsive
5 pleading;

6 WHEREAS, Plaintiff filed the Class Action Complaint in *Wiggins v. Bank of*
7 *America, N.A.*, Case No. 2:21-cv-00319-MCE-KJN, on February 18, 2021;

8 WHEREAS, before being served with process, Defendant timely returned
9 waiver of service to Plaintiff on April 14, 2021;

10 WHEREAS, under Fed. R. Civ. P. 4(d)(3), Defendant’s responsive pleading
11 to the Class Action Complaint is due on June 14, 2021;

12 WHEREAS, on June 4, 2021, this case, along with several other cases, was
13 ordered to be transferred to the Southern District of California by the Judicial Panel
14 on Multidistrict Litigation, *In re Bank of America California Unemployment*
15 *Benefits Litig.*, MDL No. 2992, ECF No. 54 (the “MDL Order”);

16 WHEREAS, on June 9, 2021, this case was docketed in the Southern District
17 of California;

18 WHEREAS, the Parties agree that Defendant’s deadline to respond to the
19 Class Action Complaint should be stayed until the Southern District of California
20 issues a scheduling order or otherwise sets a deadline for Defendant’s response;

21 WHEREAS, the stipulated stay does not affect any previously scheduled
22 proceeding on the Court’s calendar; and

23 WHEREAS, this Joint Motion is without prejudice to, or waiver of, any
24 rights or defenses otherwise available to the Parties in this action.

25 WHEREFORE, Plaintiff and Defendant, by their undersigned counsel,
26 JOINTLY MOVE the Court to enter the Proposed Order accompanying this joint
27 motion.
28

1
2 Dated: June 11, 2021

Respectfully Submitted,

3
4 By: s/ David R. Callaway

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20 BANK OF AMERICA, N.A.

21
22 Dated: June 11, 2021

By: /s/ 

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Attorneys for Plaintiff
BRIAN WIGGINS

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(44) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to plaintiff's counsel, and that I have obtained their authorization to affix electronic signatures to this document.

Dated: June 11, 2021

s/ David R. Callaway

David R. Callaway