

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-543478

Filing Date: Dec-11-2015 10:25

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EX PARTE APPLICATION FOR ORDER

BANK OF AMERICA, N.A. VS. CLIFFORD H PORTER ET AL

001C05192139

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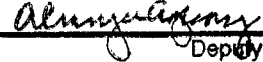
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Internal File: B1400678

FILED
San Francisco County Superior Court

DEC 11 2015

CLERK OF THE COURT

BY:  Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO— LIMITED CIVIL

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

CLIFFORD H PORTER

Defendants.

FAX FILED

Case No. CGC15543478

**EX PARTE APPLICATION AND
AND STIPULATION TO CONTINUE
TRIAL; DECLARATION OF
MATTHEW KUMAR; STIPULATION
TO CONTINUE; MEMORANDUM OF
POINTS AND AUTHORITIES.**

Date: December 11, 2015
Time: 11:00 AM
Department: 206

Notice is hereby given that on December 11, 2015, at 11:00 AM, in Department 206 of the above captioned Court, both parties Plaintiff, BANK OF AMERICA, N.A. and CLIFFORD PORTER, will and hereby does apply *ex parte* for an order continuing the Court Trial currently set in this action for December 14, 2015, based on the good cause set forth herein.

This application is based on the attached Declaration of MATTHEW J. KUMAR, the accompanying Memorandum of Points and Authorities, and any other such evidence or argument as may be presented at the hearing on this matter.

Dated: December 11, 2015




Matthew J. Kumar, Esq.
Attorney for Plaintiff

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1. I am an attorney licensed to practice law in the State of California and am a member of the Law Office of Rory W. Clark, A Professional Law Corporation, which is counsel of record for Plaintiff herein.

3. On December 9, 2015, I prepared the Stipulation to Continue Trial and discussed the matter with Defendant. He waives notice of this ex parte motion and would like to continue this matter to allow him additional time to review his records and allow my client to do the same.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

nia. 

MATTHEW J. KUMAR

1 MEMORANDUM OF POINTS AND AUTHORITIES

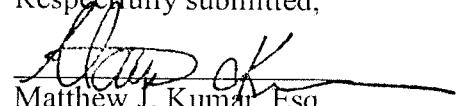
2 I.
3 **THE COURT MAY GRANT A CONTINUANCE
4 OF TRIAL UPON GOOD CAUSE SHOWN**

5 California Rules of Court, Rule 3.1332

6 Rule 3.1332 of the California Rules of Court provides the guidelines for a party who
7 seeks a continuance of an established trial date. Subsection (b) states that the party must make
8 the request by noticed motion or ex parte application "as soon as reasonably practical once the
9 necessity for the continuance is discovered." In the herein matter, Plaintiff applies *ex parte* due
10 to the proximity of the trial date, as insufficient time remains for a noticed motion.

11 Subsection (c) of said rule outlines the grounds which constitute good cause for a
12 continuance. The unavailability of a party due to excusable circumstances qualifies as such good
13 cause. As evidenced by the attached Declaration of MATTHEW J. KUMAR and the Stipulation
14 to Continue to Trial. Therefore, it is requested that Plaintiff be afforded a brief continuance of the
15 herein Court Trial for a period of three months.

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17 Respectfully submitted,

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19 Matthew J. Kumar, Esq.
20 Attorney for Plaintiff
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