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7 Attorneys for Defendants
THE BEAR STEARNS COMPANIES, INC.,
8 and JAMES CAYNE

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11
12 MICHAEL BLOMQUIST &
MICHAEL SCOTT PROPERTIES, INC.,

13 Plaintiffs,

14 vs.

15 WASHINGTON MUTUAL, a Washington
16 corporation; KERRY K. KILLINGER; JOSEPH
W. SAUNDERS; COUNTRYWIDE HOME
17 LOANS, INC., a Delaware corporation;
ANGELO MOZILLO; WACHOVIA
18 CORPORATION, a North Carolina corporation;
KEN THOMPSON CITIGROUP, a Delaware
19 corporation; SANFORD WEILL; CHARLES
PRINCE; GOLDMAN SACHS GROUP, INC., a
20 Delaware corporation; HENRY PAULSON;
BEAR STERNS COMPANIES, INC., a Delaware
21 corporation; JAMES CAYNE; THE MCGRAW
HILL COMPANY, INC., a Delaware corporation;
22 HAROLD MCGRAW III; WELLS FARGO &
COMPANY, a Delaware corporation; PATRICIA
23 R. CALLAHAN; HERBERT M. SANDLER;
ROCK HOLDINGS, INC., a Delaware
24 corporation; EXPERIAN CORPORATION, a
Delaware corporation; JAMES E. GILLERAN;
25 JOHN M. REICH; JOHN D. HAWKE JR.; JOHN
C. DUGAN; SUSAN SCHMIDT BIES;
26 DONALD E. POWELL; SHEILA C. BAIR,

27 Defendants.
28

Case No.: C07-04108-JF

**DEFENDANTS THE BEAR STEARNS
COMPANIES, INC., JAMES CAYNE,
WELLS FARGO & COMPANY,
PATRICIA CALLAHAN, EXPERIAN
HOLDINGS, INC., CITIGROUP, INC.,
SANFORD WEILL, CHARLES PRINCE,
AND GOLDMAN SACHS GROUP, INC.'S
PARTIAL OPPOSITION TO
PLAINTIFF'S REQUEST FOR LEAVE
TO FILE SECOND AMENDED
COMPLAINT AND MOTION TO
POSTPONE JULY 11, 2008 HEARING
DATE**

1 On June 17, 2008, plaintiff Michael Blomquist filed a motion requesting two forms of relief
2 from this Court: 1) postponement of the July 11, 2008 hearing date on which the defendants have
3 noticed motions to dismiss plaintiff's first amended complaint; and 2) leave to file a second
4 amended complaint. Since filing that motion, plaintiff has entered into discussions about the relief
5 requested with some of the undersigned defense counsel. Defendants The Bear Stearns
6 Companies, Inc., James Cayne, Wells Fargo & Company, Patricia Callahan, Experian Holdings,
7 Inc., Citigroup, Inc., Sanford Weill, Charles Prince, and Goldman Sachs Group, Inc. hereby submit
8 this joint response to plaintiff's motion.

9 By a Proposed Order filed June 20, 2008, Plaintiff clarified that he seeks an order:

- 10 1) Continuing the July 11, 2008 hearing date on which the defendants in this matter
11 have noticed motions to dismiss his first amended complaint *until August 29, 2008*,
12 and an enlargement of time for plaintiff to respond to those motions *until July 11,*
13 *2008*, and
14 3) *Denial of his request for leave to file a second amended complaint, and an order*
15 *that Plaintiff must attach his proposed Second Amended Complaint to his*
16 *oppositions to the motions to dismiss to be filed by July 11, 2008.*

17 (Plaintiff's revisions to his initial request for relief are indicated in italics.)

18 The defendants who join this response ("Defendants") do not oppose plaintiff's request to
19 continue the July 11, 2008 hearing date on their motions to dismiss. Defendants are willing to
20 grant plaintiff until July 11, 2008 to respond to their motions to dismiss, and to continue until
21 August 29, 2008 the hearing on defendants' motion to dismiss. Defendants' reply papers would
22 then be due August 15, 2008. This is the same schedule proposed by Plaintiff in his Proposed
23 Order filed June 20, 2008. Defendants also agree that Plaintiff should be ordered to attach his
24 proposed Second Amended Complaint to his oppositions to the motions to dismiss, which will be
25 filed on July 11, 2008.

26 It appears from Plaintiff's Proposed Order filed June 20, 2008 – in which he proposes
27 *denial* of his previous request for leave to amend his Complaint – that Plaintiff does not seek leave
28 to amend his Complaint at this time. However, to the extent he maintains his previous request,

