

COPY

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

FILED  
FIRST APPELLATE DISTRICT

MAY 24 2005

DIANA HERBERT, CLERK  
DEPUTY CLERK

PAUL MILLER et al.,  
Plaintiffs and Respondents,

A110137

v.

BANK OF AMERICA, N.A.,  
Defendant and Appellant.

(San Francisco County Superior Court)  
Super. Ct. No. 30191A

**FILED**  
San Francisco County Superior Court

I, DIANA HERBERT, CLERK OF THE COURT OF APPEAL STATE OF CALIFORNIA, FIRST APPELLATE DISTRICT, DO HEREBY CERTIFY THAT THE PRECEDING AND ANNEXED IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE.

WITNESS MY HAND AND THE SEAL OF THE COURT THIS 24th DAY OF May 2005

DIANA HERBERT, CLERK  
DEPUTY

BY THE COURT:

JUN 10 2005

GORDON PARK-LI, Clerk

BY: [Signature] Deputy Clerk

Pending consideration of the petition for a writ of supersedeas on file herein, enforcement of the trial court's March 4, 2005 judgment is temporarily stayed, subject to further order of this court. The clerk of the court is directed to serve a certified copy of this order upon the trial court. (Cal. Rules of Court, rules 49(d)(3), 56(j)(1).)

Upon due consideration, the application of amicus curiae United States of America, on behalf of the Office of the Comptroller of the Currency, the Department of the Treasury, and the Social Security Administration, for leave to file an amicus curiae brief in support of the petition for a writ of supersedeas is granted. The clerk of the court is directed to file concurrently with this order the amicus curiae brief submitted by the United States of America.

Respondents are requested to respond to the issues raised in the amicus curiae brief of the United States of America and to incorporate such responses in their points and authorities opposing the petition. On the court's own motion, the deadline for respondents to serve and file their points and authorities opposing the petition, currently set for May 31, 2005, is extended to and including June 7, 2005.

Dated:     MAY 24 2005    

    McGUINNESS, P.J.     P.J.