

1 Joseph S. Genshlea, State Bar No. 36369
2 **weintraub genshlea chediak**
3 a law corporation
4 400 Capitol Mall, 11th Floor
5 Sacramento, CA 95814
6 (916) 558-6000 – Main
7 (916) 446-1611 – Facsimile

8 Mitchel H. Kider, State Bar No. 116479
9 David M. Souders (admitted pro hac vice)
10 Vanessa T. Lam, State Bar No. 223254
11 WEINER BRODSKY SIDMAN KIDER PC
12 1300 Nineteenth Street, NW, 5th Floor
13 Washington, DC 20036
14 (202) 628-2000 – Main
15 (202) 628-2011 – Facsimile

16 Attorneys for Defendants
17 PHH Corporation, PHH Mortgage
18 Corporation, PHH Home Loans, LLC,
19 and Atrium Insurance Corporation

FILED

JAN 5 2009
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

20 UNITED STATES DISTRICT COURT
21 FOR THE EASTERN DISTRICT OF CALIFORNIA
22 FRESNO DIVISION

23 EFRAIN MUNOZ, et al., individually and on
24 behalf of all others similarly situated,

25 Plaintiffs,

26 v.

27 PHH CORPORATION, et al.,

28 Defendants.

Case No.: 1:08-cv-759 AWI-DLB

SECOND STIPULATION EXTENDING
BRIEFING AND HEARING SCHEDULE ON
DEFENDANTS' MOTION FOR JUDGMENT
ON THE PLEADINGS AND ORDER
THEREON

RECITALS

WHEREAS, Plaintiffs filed their Class Action Complaint in this matter on June 2, 2008;

WHEREAS, Defendants filed an Answer on August 15, 2008, and thereafter, on
October 6, 2008, filed a Motion for Judgment on the Pleadings, noticing a hearing date of
December 15, 2008;

Second Stipulation Extending Briefing and Hearing
Schedule on Motion for Judgment on the Pleadings
and Order Thereon,
Case No. 1:08-cv-759

weintraub genshlea chediak
LAW CORPORATION

Munoz et al. vs. PHH Mortgage Corp., et al.

Doc. 41

1 WHEREAS, on November 19, 2008, Plaintiffs and Defendants filed a Stipulation to
2 continue the hearing on Defendants' Motion for Judgment on the Pleadings until January 26,
3 2009, and to provide Plaintiffs with an extension, until January 5, 2009, to file and serve their
4 Opposition to Defendants' Motion for Judgment on the Pleadings;

5 WHEREAS, counsel for Plaintiffs agreed to respond by January 5, 2009, rather than
6 January 12, 2009, as provided by the applicable local and federal rules, in order to provide
7 Defendants with one additional week to prepare and file their Reply in support of the Motion
8 for Judgment on the Pleadings;

9 WHEREAS, on November 21, 2008, the Court entered an Order extending the hearing
10 date and briefing schedule as requested in the parties' Stipulation;

11 WHEREAS, counsel for Defendants now has a conflict with the January 26, 2009
12 hearing date because a court in another matter recently scheduled an in-person mediation on
13 the same date;

14 WHEREAS, counsel for Defendants seeks to continue the hearing date by one additional
15 week, until February 2, 2009, and to extend the briefing deadlines by one additional week as
16 well so that Plaintiffs' Opposition is due on January 12, 2009, and Defendants' Reply is due
17 on January 26, 2009;

18 WHEREAS, counsel for Plaintiffs consents to the requested extension; and

19 WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial
20 efficiency, and will not cause prejudice to any party.

21 STIPULATION

22 NOW, THEREFORE, IT IS STIPULATED AND AGREED by Plaintiffs and Defendants,
23 through their respective counsel of record, as follows:

24 1. The Hearing Date for Defendants' Motion for Judgment on the Pleadings shall
25 be continued from January 26, 2009, until February 2, 2009, at 1:30 p.m.;

26 2 Plaintiffs shall file and serve their Opposition to Defendants' Motion for
27 Judgment on the Pleadings on or before January 12, 2009;

1 3. Defendants shall file their Reply to Plaintiffs' Opposition to the Motion for
2 Judgment on the Pleadings on or before January 26, 2009; and

3 4. Subject to Court approval, all other deadlines established by the Court remain
4 unchanged.

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6 IT IS SO STIPULATED.

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8 Dated: January 5, 2009

Respectfully submitted,

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10 **weintraub genshlea chediak**
a law corporation

11
12 By: /s/ Joseph S. Genshlea
Joseph S. Genshlea, State Bar No. 36369

13
14 WEINER BRODSKY SIDMAN KIDER PC
Mitchel H. Kider, State Bar No. 116479
David M. Souders (admitted pro hac vice)
Vanessa T. Lam, State Bar No. 223254

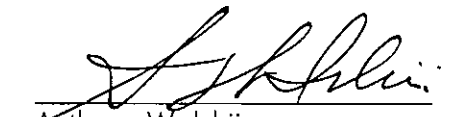
15
16 Attorney for Defendants

17
18 BARROWAY TOPAZ KESSLER MELTZER & CHECK,
LLP

19
20 By: /s/ Alan R. Plutzik
Alan R. Plutzik, Of Counsel (Bar No. 077785)
21 2125 Oak Grove Road, Suite 120
22 Walnut Creek, CA 94598
23 Telephone: (925) 945-0770
Attorneys for Plaintiffs

24 IT IS SO ORDERED.

25
26 Dated: 1-5-09

27
28 
Anthony W. Ishii
Chief United States District Judge

weintraub genshlea chediak
LAW CORPORATION