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5 Attorneys for Defendants  
 CAL STATE MORTGAGE CO., INC., a California  
 6 corporation; CAL STATE HOME LOANS, a California  
 Corporation; and ALEXANDER GOMEZ  
 7

8 UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

11 JOSEPHINE HOUSE, by her guardian ad  
 litem, PUBLIC GUARDIAN OF  
 12 STANISLAUS COUNTY,

13 Plaintiff,

14 v.

15 CAL STATE MORTGAGE CO., INC., a  
 California corporation; CAL STATE  
 16 HOME LOANS, a California corporation;  
 ALEXANDER GOMEZ; BENJAMIN  
 17 CAPITAL, INC., a California corporation;  
 SABATINO MURPHY; LARRY  
 18 MENTON; and JOAN HOUSE,

19 Defendants.  
 20

CASE NO. 1:08-CV-01880-OWW-GSA

**JOINT STIPULATION AND ORDER  
 REGARDING MODIFICATION OF  
 SCHEDULING ORDER**

**[Fed.R.Civ.Proc. 16(b)]**

21 Plaintiff Josephine House, by her guardian ad litem, Public Guardian of Stanislaus County  
 22 (“Plaintiff”), and Defendants Cal State Mortgage Co., Inc., Cal State Home Loans, Alexander  
 23 Gomez (collectively “Cal State”), and Murphy Sabatino (“Sabatino”) (collectively with Cal State,  
 24 “Defendants”) hereby jointly stipulate and seek leave pursuant to Rule 16(b) of the Federal Rules  
 25 of Civil Procedure to briefly extend the expert witness and rebuttal expert disclosure deadlines  
 26 contained in the Scheduling Conference Order, filed by the Court on July 28, 2009 (hereinafter  
 27 the “Scheduling Order”).<sup>1</sup> The extension requested by the parties will not affect the other dates

28 <sup>1</sup> Cal State and Sabatino are the only named defendants who have appeared in the action.

1 set by the Court in the Scheduling Order. Good cause exists for this request as follows:

2 On August 17, 2009, Plaintiff served by mail a deposition notice for Sabatino, which set  
3 the deposition for September 29, 2009. On Friday, September 25, 2009, Sabatino's counsel  
4 notified Plaintiff and Cal State that Sabatino would not be appearing due to an unforeseen  
5 emergency. On Monday, September 28, 2009, Plaintiff's counsel confirmed that the deposition  
6 would not go forward and would proceed at a later date. In light of Sabatino's status as a named  
7 party in this action, Plaintiff and Defendants stipulate to the continuance of the expert witness and  
8 rebuttal expert disclosure deadlines so that the parties' experts may have Sabatino's deposition  
9 transcript available before finalizing and disclosing their written reports.

10 The parties have diligently submitted this Stipulation as Plaintiff only confirmed that  
11 Sabatino's deposition would be taken off calendar on September 28, 2009. This is the parties'  
12 first request for a modification to the Scheduling Order. The parties only request an extension of  
13 their expert witness and rebuttal expert disclosure deadlines; these extensions can be granted  
14 without affecting the other deadlines set by the Court. Accordingly, the parties respectfully  
15 request that the Court modify the existing Scheduling Order by extending the dates as follows:

	<u>Existing Dates</u>	<u>Proposed Dates</u>
16 Expert Witness		
17 Disclosure	October 5, 2009	November 13, 2009
18 Rebuttal or		
19 Supplemental Expert	November 5, 2009	December 14, 2009
20 Disclosures		
21 Discovery Completion		
22 Date	January 15, 2010	Unchanged
23 Non-Dispositive Pre-		
24 trial Motions (including	Filed by January 29, 2010	Unchanged
25 discovery)	Heard on March 5, 2010	Unchanged
26 Dispositive Pre-trial		
27 Motions	Filed by February 15, 2010	Unchanged
28	Heard on March 22, 2010	Unchanged
Pre-trial Conference	April 26, 2010	Unchanged
Trial	June 8, 2010	Unchanged

IT IS SO STIPULATED.

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DATED: October 2, 2009

DOWNEY BRAND LLP

By:                                 /s/ Annie S. Amaral                                  
ANNIE S. AMARAL  
Attorney for Defendants  
CAL STATE MORTGAGE CO., INC., a  
California corporation; CAL STATE HOME  
LOANS, a California Corporation; and  
ALEXANDER GOMEZ

DATED: October 2, 2009

ROSSI, HAMERSLOUGH, REISCHL & CHUCK

By:                                 /s/ Eric Gravink                                  
ERIC GRAVINK  
Attorney for Defendants  
MURPHY SABATINO

DATED: October 2, 2009

CALIFORNIA RURAL LEGAL ASSISTANCE,  
INC.

By:                                 /s/ Katherine M. Hogan                                  
KATHERINE M. HOGAN  
Attorney for Plaintiff  
JOSEPHINE HOUSE, by her guardian  
ad litem, PUBLIC GUARDIAN OF  
STANISLAUS COUNTY

Pursuant to stipulation, IT IS SO ORDERED.

DATED:   10/5/2009  

                                /s/ OLIVER W. WANGER                                  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF CALIFORNIA