

1 STROOCK & STROOCK & LAVAN LLP
2 JULIA B. STRICKLAND (State Bar No. 083013)
3 LISA M. SIMONETTI (State Bar No. 165996)
4 SHANNON E. PONEK (State Bar No. 261135)
5 2029 Century Park East, Suite 1600
6 Los Angeles, CA 90067-3086
7 Telephone: 310-556-5800
8 Facsimile: 310-556-5959
9 Email: *lalendar@stroock.com*

10
11 Attorneys for Defendants
12 HSBC USA, INC., HSBC BANK USA, N.A., HSBC MORTGAGE
13 CORPORATION, and HSBC REINSURANCE (USA) INC.
14
15

16 **UNITED STATES DISTRICT COURT**
17 **EASTERN DISTRICT OF CALIFORNIA**

18 **FRESNO BRANCH**

19
20 LUCAS E. MCCARN, individually and on) Civil Action No.: 1:12-cv-00375-LJO-SKO
21 behalf of all others similarly situated,)
22 Plaintiff,) [Assigned to the Hon. Lawrence J. O'Neill]
23)
24 vs.) **STIPULATION AND ORDER TO**
25 HSBC USA, INC., HSBC BANK USA, N.A.,) **EXTEND TIME TO RESPOND TO**
26 HSBC MORTGAGE CORPORATION, HSBC) **COMPLAINT**
27 REINSURANCE (USA) INC., UNITED)
28 GUARANTY RESIDENTIAL INSURANCE)
GUARANTY RESIDENTIAL INSURANCE)
CO., PMI MORTGAGE INSURANCE CO.,)
GENWORTH MORTGAGE INSURANCE)
CORP., REPUBLIC MORTGAGE)
INSURANCE CO., MORTGAGE)
GUARANTY INSURANCE CORP., and)
RADIAN GUARANTY INC.)
Defendants.)
29
30

1 WHEREAS, on March 12, 2012, plaintiff Lucas E. McCarn (“Plaintiff”) filed a Class
2 Action Complaint (the “Complaint”) against defendants HSBC USA, Inc. (“HSBC USA”), HSBC
3 Bank USA, N.A. (“HSBC Bank”), HSBC Mortgage Corporation (“HSBC Mortgage”), HSBC
4 Reinsurance (USA) Inc. (“HSBC Re,” and collectively, HSBC USA, HSBC Bank, HSBC
5 Mortgage, and HSBC Re are referred to herein as the “HSBC Defendants”), United Guaranty
6 Residential Insurance Co., PMI Mortgage Insurance Co., Genworth Mortgage Insurance Corp.,
7 Republic Mortgage Insurance Co., Mortgage Guaranty Insurance Corp., and Radian Guaranty Inc.;

8 WHEREAS, on or about March 19, 2012, Plaintiff served HSBC USA with the Summons
9 and Complaint;

10 WHEREAS, on or about March 19, 2012, Plaintiff served HSBC Bank with the Summons
11 and Complaint;

12 WHEREAS, on or about March 19, 2012, Plaintiff served HSBC Mortgage with the
13 Summons and Complaint;

14 WHEREAS, on or about March 20, 2012, Plaintiff served HSBC Re with the Summons and
15 Complaint;

16 WHEREAS, on or about April 3, 2012, Plaintiff filed a Notice of Motion and Motion to
17 Stay Action (the “Motion to Stay”);

18 WHEREAS, on or about April 9, 2012, Plaintiff and the HSBC Defendants agreed to
19 extend the deadline for the HSBC Defendants to answer or otherwise respond to the Complaint to
20 30 days after the Court’s order on the Motion to Stay;

21 WHEREAS, on April 12, 2012, the Court granted the Motion to Stay and ordered that all
22 responses to the Complaint not currently filed shall be due 45 days after the Court issues an order
23 lifting the stay;

24 WHEREAS, on July 9, 2012, the Court lifted the stay;

25 WHEREAS, on July 30, 2012, Plaintiff filed a First Amended Complaint (the “FAC”);

26 WHEREAS, the HSBC Defendants answer to the FAC is due on August 23, 2012; and

27 WHEREAS, Plaintiff has agreed to extend the time for the HSBC Defendants to answer or
28 otherwise respond to the FAC to and including October 5, 2012.

1 IT IS HEREBY STIPULATED by and between Plaintiff and the HSBC Defendants,
2 through their respective counsel of record, that the HSBC Defendants' time to answer or otherwise
3 respond to the FAC is extended to and including October 5, 2012.

4 Dated: August 15, 2012

5 STROOCK & STROOCK & LAVAN LLP
6 JULIA B. STRICKLAND
7 LISA M. SIMONETTI
8 SHANNON E. PONEK

9
10 By: /s/ Shannon E. Ponek
11 Shannon E. Ponek

12
13 Attorneys for Defendants
14 HSBC USA, INC., HSBC BANK USA, N.A.,
15 HSBC MORTGAGE CORPORATION, and
16 HSBC REINSURANCE (USA) INC.

17 Dated: August 15, 2012

18 KESSLER TOPAZ MELTZER & CHECK, LLP

19 By: /s/ Edward W. Ciolko
20 Edward W. Ciolko (pro hac vice)
21 Terence S. Ziegler (pro hac vice)
22 Donna Siegel Moffa (pro hac vice)
23 Amanda R. Trask (pro hac vice)
24 280 King of Prussia Road
25 Radnor, PA 19087
26 Telephone: (610) 667-7706
27 Facsimile: (610) 667-7056

28 -and-

29 Ramzi Abadou (Bar No. 222567)
30 One Sansome Street, Suite 1850
31 San Francisco, CA 94104
32 Telephone: (415) 400-3000
33 Facsimile: (415) 400-3001

34 [continued on next page]

1 BRAMSON PLUTZIK MAHLER &
2 BIRKHAEUSER LLP
3 Alan R. Plutzik
4 2125 Oak Grove Boulevard, Ste. 120
5 Walnut Creek, California 94598
6 Telephone: (925) 945-0200
7

8 BERKE, BERKE & BERKE
9 Andrew L. Berke
10 420 Frazier Avenue
11 Chattanooga, Tennessee 37402
12 Telephone: (423) 266-5171
13

14 Attorneys for Plaintiff and the Proposed
15 Class
16

17 IT IS SO ORDERED.
18

19 Dated: August 16, 2012

20 /s/ Sheila K. Oberto
21 UNITED STATES MAGISTRATE JUDGE
22

23
24
25
26
27
28