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6 Attorneys for Defendant  
Caliber Home Loans, Inc.  
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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 JAVIER JIM GARCIA,  
12 Plaintiff,  
13 v.  
14 CALIBER HOME LOANS, INC., a  
Corporation, and Does 1 through 50,  
15 inclusive,  
16 Defendants.

Case No. 1:16-cv-01767-DAD-BAM  
PARTIES' JOINT STIPULATION AND  
ORDER REQUESTING STAY OF ALL  
PROCEEDINGS

17  
18 **STIPULATION**

19 Plaintiff Javier Jim Garcia ("Plaintiff") and Defendant Caliber Home Loans,  
20 Inc. ("Caliber" or "Defendant") (together the "Parties"), by and through their  
21 counsel of record stipulate and agree as follows:

22 WHEREAS Plaintiff filed this action on or about October 11, 2016;

23 WHEREAS Plaintiff submitted a loan modification application to Defendant  
24 on November 19, 2016;

25 WHEREAS Defendant offered Plaintiff a loan modification on January 5,  
26 2017;

27 WHEREAS Plaintiff began making trial payments on his loan starting on  
28 February 1, 2017;

1 WHEREAS Plaintiff made all three trial payments, ending with a pay in  
2 April 2017;

3 WHEREAS Caliber offered a Plaintiff a permanent loan modification;

4 WHEREAS there is an Initial Scheduling Conference set for May 24, 2017 at  
5 9:00 a.m.;

6 WHEREAS the parties are very close to settlement and are making  
7 meaningful progress;

8 WHEREAS in order to avoid spending time, expense and judicial resources  
9 in connection with the present litigation, the Parties have agreed to and request that  
10 the Court grant the requested stay of the action until July 31, 2017;

11 WHEREAS upon completion of the successful settlement negotiation, the  
12 current action is expected to be dismissed, therefore, it would be in all parties' best  
13 interest to stay the action until July 31, 2017 and continue all related deadlines;

14 WHEREAS if no settlement has been reached by the expiration of the stay,  
15 the Parties agree that the Court will re-calendar all currently scheduled proceedings,  
16 including the Scheduling Conference;

17 WHEREAS the stay requested herein is not requested for purposes of delay  
18 and will not result in any prejudice to the parties or to the Court; and

19 WHEREAS the Parties wish to conserve judicial resources by staying this  
20 matter pending the settlement discussion.

21 IT IS SO STIPULATED AND AGREED.

22  
23 DATED: May 18, 2017

**PERKINS COIE LLP**

24  
25 By: /s/ Kristine Kruger

Kristine E. Kruger, Bar No. 253593  
KKruger@perkinscoie.com

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27 Attorneys for Defendant  
28 Caliber Home Loans, Inc.

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DATED: May 18, 2017

**LAW OFFICE OF ALFRED A.  
GALLEGOS**

By: /s/ Alfred A. Gallegos  
Alfred A. Gallegos, Bar No. 160971  
aag@sjvalleylaw.com

Attorneys for Plaintiff  
Javier Jim Garcia

1 ORDER

2 Having considered the Stipulation of the Parties, the Court does not find  
3 good cause to stay this action. However, the Court finds good cause to continue the  
4 Initial Scheduling Conference until after July 31, 2017, in order to allow the parties  
5 to continue their meaningful progress toward settlement.

6 Accordingly, IT IS HEREBY ORDERED as follows:

- 7 1. The Initial Scheduling Conference is CONTINUED to **August 15, 2017,**  
8 **at 9:00 AM in Courtroom 8 (BAM)** before Magistrate Judge Barbara A.  
9 McAuliffe;
- 10 2. Each party may appear telephonically at the scheduling conference using  
11 the following dial-in number and passcode: **dial-in number 1-877-411-**  
12 **9748; passcode 3190866.**
- 13 3. A joint scheduling report, carefully prepared and executed by all counsel,  
14 shall be electronically filed in CM/ECF one (1) full week prior to the  
15 Scheduling Conference and shall be e-mailed in Word format to  
16 [bamorders@caed.uscourts.gov](mailto:bamorders@caed.uscourts.gov); and
- 17 4. If the parties file a dismissal or a notice of settlement prior to the  
18 scheduling conference, the conference will be vacated.

19  
20 IT IS SO ORDERED.

21 Dated: May 19, 2017

22 /s/ Barbara A. McAuliffe  
23 UNITED STATES MAGISTRATE JUDGE  
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