

1 David T. Biderman, Bar No. 101577
 DBiderman@perkinscoie.com
 2 Kristine E. Kruger, Bar No. 253593
 KKruger@perkinscoie.com
 3 PERKINS COIE LLP
 1201 Third Avenue, Suite 4900
 4 Seattle, WA 98101-3099
 Telephone: 206.359.8000
 5 Facsimile: 206.359.9000

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

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JAVIER JIM GARCIA,
 Plaintiff,
 v.
 CALIBER HOME LOANS, INC., a
 Corporation, and Does 1 through 50,
 inclusive,
 Defendants.

Case No. 1:16-cv-01767-DAD-BAM
 STIPULATION AND ORDER STAYING
 PROCEEDINGS UNTIL MAY 1, 2017
 ORDER CONTINUNG INITIAL
 SCHEDULING CONFERENCE TO MAY 24,
 2017 at 9:00 A.M.

1 Plaintiff Javier Jim Garcia (“Plaintiff”) and Defendant Caliber Home Loans,
2 Inc. (“Caliber”) (together the “Parties”), by and through their counsel of record
3 stipulate and agree as follows:

4 WHEREAS Plaintiff filed this action on or about October 11, 2015;

5 WHEREAS Plaintiff submitted a loan modification application to Defendant
6 on November 19, 2016;

7 WHEREAS Defendant offered Plaintiff a loan modification on January 5,
8 2017;

9 WHEREAS Plaintiff began making trial payments on his loan starting on
10 February 1, 2017;

11 WHEREAS Plaintiff is expected to make three trial payments, ending with a
12 payment on April 1, 2017;

13 WHEREAS Caliber will offer a Plaintiff a permanent loan modification
14 when and if Plaintiff makes all three trial payments on time;

15 WHEREAS there is a Scheduling Conference set for February 22, 2017 at
16 8:30 a.m. in Courtroom 8;

17 WHEREAS the parties are actively exploring potential settlement options,
18 including Plaintiff’s foreclosure-avoidance and loss mitigation eligibility and are
19 making meaningful progress;

20 WHEREAS in order to avoid spending time, expense and judicial resources
21 in connection with the present litigation, the Parties have agreed to and request that
22 the Court grant the requested stay of the action until May 1, 2017;

23 WHEREAS upon completion of the successful settlement negotiation, the
24 current action is expected to be dismissed, therefore, it would be in all parties’ best
25 interest to stay the action until May 1, 2017 and continue all related deadlines;

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

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

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

5 IT IS SO STIPULATED AND AGREED.

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DATED: February 15, 2017

PERKINS COIE LLP

By: /s/ Kristine Kruger
Kristine E. Kruger, Bar No. 253593
KKruger@perkinscoie.com

Attorneys for Defendant
Caliber Home Loans, Inc.

DATED: February 15, 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

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ORDER

Pursuant to the Stipulation of the Parties and good cause appearing, the request to stay is GRANTED in part. IT IS HEREBY ORDERED that:

1. The above-referenced action is stayed until May 1, 2017;
2. If no settlement has been reached by the expiration of the stay, the Court shall lift

the stay *sua sponte*;

3. The Court CONTINUES the Initial Scheduling Conference to **May 24, 2017 at 9:00 AM in Courtroom 8 (BAM)** before Magistrate Judge Barbara A. McAuliffe. Each party may appear telephonically at the scheduling conference using the following dial-in number and passcode: dial-in number 1-877-411-9748; passcode 3190866. If the parties file a dismissal or a notice of settlement prior to the scheduling conference, the conference will be vacated.

IT IS SO ORDERED.

Dated: **February 16, 2017**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE