

1 SUNNY S. HUO (State Bar No. 181071)
 ANDREW W. NOBLE (State Bar No. 245993)
 2 SEVERSON & WERSON
 A Professional Corporation
 3 One Embarcadero Center, Suite 2600
 San Francisco, CA 94111
 4 Telephone: (415) 398-3344
 Facsimile: (415) 956-0439

5 Attorneys for Defendant
 6 GREENPOINT MORTGAGE FUNDING, INC.

7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10
 11 PATRICK OSEI,
 12 Plaintiff,
 13 vs.

Case No.: 2:09-CV-02534-JAM-GGH

**STIPULATED REQUEST FOR ORDER
 CONTINUING PRETRIAL DEADLINES
 AND TRIAL DATE; ORDER**

14 GMAC MORTGAGE; COUNTRYWIDE
 HOME LOANS; GREENPOINT MORTGAGE
 15 FUNDING, INC.; ANGIUS & TERRY
 COLLECTIONS, LLC; MORTGAGE
 16 ELECTRONIC REGISTRATION SYSTEMS,
 INC.; PELLETIER FINANCE, INC. DBA
 17 DELTA MORTGAGE AND REAL ESTATE;
 JEFFREY ALAN PELLETIER; JEFFREY
 18 PAUL OLSEN; JEFFREY BRYAN DELORA;
 and DOES 1-20, inclusive,
 19 Defendants.

Dept: Courtroom 6, 14th Floor
 Judge: John A. Mendez

Action Filed: September 9, 2009
 Trial Date: November 15, 2010

20
 21
 22 Plaintiff PATRICK OSEI and defendants GMAC MORTGAGE; BANK OF AMERICA
 23 F/K/A COUNTRYWIDE HOME LOANS, INC.; GREENPOINT MORTGAGE FUNDING, INC.;
 24 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; PELLETIER FINANCE, LLC;
 25 JEFFREY ALAN PELLETIER; JEFFREY PAUL OLSON; and JEFFREY BRYAN DELORA
 26 hereby stipulate and jointly request that the Court continue by six months all deadlines set forth in
 27 the Pre-Trial Scheduling Order (Document #22).
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RECITALS

1. On November 19, 2010, the Court issued a Status (Pre-trial Scheduling) Order (“Scheduling Order”). The Scheduling Order sets forth the following deadlines:

- (a) The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by April 9, 2010.
- (b) Supplemental disclosure and disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by April 16, 2010.
- (c) All discovery shall be completed by June 16, 2010.
- (d) All dispositive motions shall be filed by July 21, 2010.
- (e) Hearing on such motions shall be on August 18, 2010.
- (f) The final pre-trial conference is set for October 8, 2010, at 3:00 p.m.
- (g) Jury trial is set for November 15, 2010, at 9:00 a.m.

2. On November 25, 2009, plaintiff filed a first amended complaint (Document #23).

3. On December 14, 2009, defendant GREENPOINT MORTGAGE FUNDING, INC. filed a motion to dismiss the first amended complaint (Document #26), which was set for hearing on February 17, 2010, at 9:30 a.m.

4. On December 15, 2009, defendants PELLETIER FINANCE, LLC; JEFFREY ALAN PELLETIER; JEFFREY PAUL OLSON; and JEFFREY BRYAN DELORA filed a motion to dismiss the first amended complaint or, in the alternative, motion for a more definite statement. (Document #27.) The motion was also set for hearing on February 17, 2010, at 9:30 a.m.

5. On December 17, 2009, defendant BANK OF AMERICA F/K/A COUNTRYWIDE HOME LOANS, INC. filed a motion to dismiss (Document #30) and motion to strike (Document #29) the first amended complaint. The motions were also set for hearing on February 17, 2010, at 9:30 a.m.

6. On December 23, 2009, defendant GMAC MORTGAGE filed a motion to dismiss (Document #33) and motion to strike (Document #34) the first amended complaint. The motions

1 were set for hearing on February 11, 2010, at 10:00 a.m., before Magistrate Judge Gregory G.
2 Hollows.

3 7. On February 10, 2010, the Court issued a minute order submitting the motions to
4 dismiss and strike that were scheduled to be heard on February 17, 2010, without appearance.
5 (Document #43.) The Court has not yet ruled on these motions.

6 8. On February 12, 2010, the Court ordered that the motions to dismiss and strike filed
7 by GMAC MORTGAGE must be heard by the Hon. Judge Mendez, and not by a magistrate judge.
8 (Document #46.) These motions were rescheduled to be heard April 21, 2010, at 9:30 a.m.
9 (Documents #50, #51.)

10 9. If the Court grants the motions to dismiss and strike, the case will likely not be at
11 issue before the deadlines for the exchange of expert witness information or the completion of
12 discovery. There is a substantial likelihood that the case will not be at issue before dispositive
13 motions are due on July 21, 2010.

14 10. Respective counsel for plaintiff and for the defendants therefore respectfully request
15 that this Court continue the deadlines set forth in the Scheduling Order and summarized in this
16 Request by not less than six months to allow time for the case to be at issue.

17 **STIPULATION**

18 BASED UPON THE FORGOING RECITALS IT IS HEREBY STIPULATED THAT:

19 The parties agree, subject to Court approval, to extend the deadlines as follows:

20 (a) The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by
21 October 12, 2010.

22 (b) Supplemental disclosure and disclosure of any rebuttal experts under Fed. R. Civ. P.
23 26(a)(2)(c) shall be made by October 18, 2010.

24 (c) All discovery shall be completed by December 16, 2010.

25 (d) All dispositive motions shall be filed by January 21, 2011.

26 (e) Hearing on such motions shall be on February 23, 2011, at 9:00 a.m.

27 (f) The final pre-trial conference is set for April 8, 2011, at 3:00 p.m.

28 (g) Jury trial is set for May 16, 2010, at 9:00 a.m.

1 The parties agree that all other deadlines and orders set forth in the Scheduling Order shall
2 remain the same.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

IT IS ORDERED THAT the Stipulated Request for Order Continuing Pretrial Deadlines and Trial Date is granted. The deadlines are extended as follows:

- (a) The parties shall make expert witness disclosures under Fed. R. Civ. P. 26(a)(2) by October 12, 2010.
- (b) Supplemental disclosure and disclosure of any rebuttal experts under Fed. R. Civ. P. 26(a)(2)(c) shall be made by October 18, 2010.
- (c) All discovery shall be completed by December 16, 2010.
- (d) All dispositive motions shall be filed by January 21, 2011.
- (e) Hearing on such motions shall be on February 23, 2011, at 9:00 a.m.
- (f) The final pre-trial conference is set for April 8, 2011, at 3:00 p.m.
- (g) Jury trial is set for May 16, 2011, at 9:00 a.m.

All other deadlines and orders set forth in the Scheduling Order shall remain the same.

IT IS SO ORDERED.

Dated: March 31, 2010

/s/ John A. Mendez
Hon. John A. Mendez