

1 NIALL P. McCARTHY (SBN 160175)
 nmccarthy@cpmlegal.com
 2 JUSTIN T. BERGER (SBN 250346)
 jberger@cpmlegal.com
 3 ERIC J. BUESCHER (SBN 271323)
 ebuescher@cpmlegal.com
 4 **COTCHETT, PITRE & McCARTHY, LLP**
 840 Malcolm Road
 5 Burlingame, CA 94010
 Telephone: (650) 697-6000
 6 Facsimile: (650) 692-3606

7 *Attorneys for Plaintiffs and the Class*

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

**IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA**

SHEILA GOODEN, an individual; and
MICHELLE HALL, an individual,
 Plaintiffs,
 v.
SUNTRUST MORTGAGE, INC.,
 a Virginia corporation,
 Defendant.

Case No. 2:11-cv-02595-JAM-DAD

STIPULATION AND ORDER

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

1 **STIPULATION**

2 Plaintiffs SHEILA GOODEN and MICHELLE HALL (“Plaintiffs”), and Defendant
3 SUNTRUST MORTGAGE, INC., (“SunTrust”) by and through their undersigned counsel, hereby
4 stipulate as follows:

5 WHEREAS by Order dated August 30, 2012 (Docket No. 38), the Court set deadlines in
6 the Status (Pre-Trial Scheduling) Order;

7 WHEREAS on November 15, 2013 this Court heard oral argument on Plaintiffs’ Motion
8 for Class Certification;

9 WHEREAS the Court issued an Order Denying Plaintiffs’ Motion for Class Certification
10 which has significantly altered the scope of Plaintiffs’ claims in this litigation;

11 WHEREAS on December 13, 2013 the Plaintiffs and SunTrust submitted a Joint
12 Stipulation regarding the Expert Disclosure Deadline to extend that deadline to January 13, 2014;

13 WHEREAS on December 26, 2013 Plaintiffs filed a Petition pursuant to Federal Rule of
14 Civil Procedure 23(f) in the Ninth Circuit Court of Appeals (Case No. 13-80235);

15 WHEREAS the Ninth Circuit has yet to rule on Plaintiffs’ Petition;

16 WHEREAS Plaintiffs and SunTrust agree that the scope and claims of the litigation may
17 be significantly altered depending on the Ninth Circuit’s decision on Plaintiffs’ Federal Rule of
18 Civil Procedure 23(f) Petition;

19 WHEREAS the Parties are engaged in settlement negotiations;

20 WHEREAS Plaintiffs and SunTrust agree that a continuance of the immediately upcoming
21 expert disclosure deadlines by fourteen (14) days is appropriate;

22 NOW, THEREFORE, by and through their counsel of record, the Parties hereby stipulate
23 and agree, subject to Court approval, that the current schedule be amended as follows:

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

Expert disclosure deadline

Opening: March 27, 2014
Rebuttal: April 10, 2014

IT IS SO STIPULATED.

Respectfully Submitted,

Dated: March 12, 2014

COTCHETT, PITRE & McCARTHY, LLP

By: /s/ Justin T. Berger
NIAL P. McCARTHY
JUSTIN T. BERGER
ERIC J. BUESCHER

Attorneys for Plaintiffs and the Class

Dated: March 12, 2014

SEVERSON & WERSON

By: /s/ Philip Barilovits
PHILIP BARILOVITS

Attorneys for Defendant

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

Pursuant to the Stipulation of the Parties, for good cause shown, the Court hereby
ORDERS that the deadlines be amended accordingly:

Expert disclosure deadline	Opening:	March 27, 2014
	Rebuttal:	April 10, 2014

IT IS SO ORDERED

Dated: 3/12/2014

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
United States District Court Judge