

1 MICHAEL J. STEINER (State Bar No. 112079)
 mjs@severson.com
 2 PHILIP BARILOVITS (State Bar No. 199944)
 pb@severson.com
 3 CASEY J. McTIGUE (State Bar No. 266361)
 cjm@severson.com
 4 SEVERSON & WERSON
 A Professional Corporation
 5 One Embarcadero Center, Suite 2600
 San Francisco, California 94111
 6 Telephone: (415) 398-3344
 Facsimile: (415) 956-0439
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Attorneys for Defendants
 8 SUNTRUST MORTGAGE, INC.

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UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA — SACRAMENTO DIVISION

SHEILA GOODEN, an individual,
 Plaintiff,
 vs.
 SUNTRUST MORTGAGE, INC., a Virginia
 Corporation,
 Defendant.

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

**JOINT RULE 144(E) STIPULATION
 AND APPLICATION FOR ORDER
 SHORTENING BRIEFING SCHEDULE
 FOR MOTION FOR PROTECTIVE
 ORDER; ORDER**

STIPULATION

Plaintiff Sheila Gooden (“Gooden”) and defendant SunTrust Mortgage, Inc. (“SunTrust”) hereby stipulate, conditioned upon approval and convenience of this Court, to a shortened briefing schedule with regard to a motion and hearing on a protective order to be filed by SunTrust.

Both Gooden and SunTrust believe expedited hearing of this protective order motion is necessary under the schedule below. The respective positions are as follows:

SunTrust’s Statement: Gooden has noticed a Federal Rule of Civil Procedure 30(b)(6) deposition of SunTrust as well as propounded written discovery. SunTrust responded to the

1 written discovery and produced documents relating to plaintiff Gooden’s loan with it, but not other
2 documents plaintiff seeks.

3 SunTrust recently negotiated a settlement with the Chapter 13 Trustee of Gooden’s
4 Bankruptcy estate. The signed settlement agreement is subject to Bankruptcy Court approval, and
5 an approval hearing date of July 3 has been reserved.

6 SunTrust believes that discovery should be held in abeyance pending the hearing on
7 Bankruptcy Court approval of the settlement with the Trustee.

8 **Plaintiff’s Statement:** After Judge Mendez overruled SunTrust’s Motion to Dismiss in its
9 entirety, Plaintiff began discovery to comply with the agreed upon deadline to file class
10 certification on November 2, 2012. Plaintiff served Interrogatories, Requests for Document
11 Production and a Federal Rule of Civil Procedure 30(b)(6) deposition notice. SunTrust responded
12 to those requests and produced limited documents and agreed to production of further documents.

13 SunTrust then negotiated a purported “settlement” of this action with the Chapter 13
14 Bankruptcy Trustee. This was done prior to informing counsel for Plaintiff, over counsel’s
15 objections and without counsel’s or Plaintiff’s approval. SunTrust now seeks to prevent this class
16 action from moving forward and has refused to participate any further in discovery or provide
17 deposition dates based on this purported “settlement.”

18 According to well-settled law, the Chapter 13 Bankruptcy Trustee does not have the
19 authority to settle Plaintiff’s claim. The “settlement” will not resolve the claims in this action and
20 the Trustee does not have authority to settle this claim.

21 Because of the foregoing the parties hereby stipulate, pursuant to Court approval, to the
22 following briefing and hearing schedule

- 23 • SunTrust will file a motion for protective order on or before May 25, 2012 (a
24 proposed form of which is attached hereto as Exhibit A);
- 25 • Gooden to file an opposition, if any, on or before June 1, 2012;
- 26 • Hearing on SunTrust’s motion to be set for June 6, 2012, at 10:00 a.m., or a date
27 thereafter convenient to the Court.

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1 It is further stipulated that the Rule 30(b)(6) deposition of SunTrust's person most
2 knowledgeable will not take place prior to the Court's ruling on SunTrust's motion for protective
3 order.

4 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, SUBJECT TO
5 COURT ORDER, that the parties jointly request the court provide for the agreed briefing schedule
6 described above.

7 **IT IS SO STIPULATED.**

8 DATED: May 29, 2012

COTCHETT, PITRE & McCARTHY, LLP

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By: /s/ Justin T. Berger
JUSTIN T. BERGER

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Attorneys for Plaintiff
SHEILA GOODEN

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DATED: May 29, 2012

SEVERSON & WERSON, APC

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By: /s/ Philip Barilovits
PHILIP BARILOVITS

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ORDER

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Pursuant to the parties' joint stipulation, IT IS ORDERED that the hearing on SunTrust's
motion for protective order is to be set for **June 8, 2012, at 10:00 a.m.**, in Courtroom No. 27
before the undersigned. Plaintiff's opposition is to be filed by June 1.

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Dated: May 29, 2012

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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