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15
 16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**

18 **SHEILA GOODEN**, an individual,
 19
 Plaintiff,
 20
 vs.
 21 **SUNTRUST MORTGAGE, INC.**,
 22 a Virginia corporation,
 23
 Defendant.

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

**STIPULATION AND ORDER
 REGARDING MODIFICATION OF
 CLASS CERTIFICATION BRIEFING
 SCHEDULE AND PRE-TRIAL
 SCHEDULING ORDER IN LIGHT OF
 PROPOSED MEDIATION**

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**STIPULATION AND [PROPOSED] ORDER REGARDING MODIFICATION OF CLASS
 CERTIFICATION BRIEFING SCHEDULE; Case No. 2:11-cv-02595-JAM-DAD**

1 **STIPULATION**

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

4 WHEREAS, pursuant to a prior stipulation and order, Plaintiff’s motion for class
5 certification is currently due on April 5, 2013 (“Motion”). *See* Dkt. No. 48. Defendant’s
6 Opposition to the Motion is due on May 10, 2013. *Id.* Plaintiff’s Reply Brief in support of the
7 Motion is due on June 7, 2013. *Id.* Plaintiff’s Motion is set to be heard by this Court on June 19,
8 2013 at 9:30 a.m.

9 WHEREAS, on or around March 21, 2013, Plaintiff and Defendant have agreed to attempt
10 to resolve the litigation through private mediation.

11 WHEREAS on March 27, 2013 Plaintiff filed a motion for leave to amend the complaint
12 to expand certain class definitions from California-only to nationwide and to add Michelle Hall as
13 a named Plaintiff. That motion is set for hearing on June 5, 2013, a date which was mutually
14 agreed upon by Plaintiff and Defendant, in order to accommodate the planned mediation.
15 (Defendant intends on opposing this motion for leave to amend.)

16 WHEREAS, the motion to amend filed by Plaintiff is currently pending.

17 WHEREAS Plaintiff served additional requests for data which Plaintiff believes is
18 relevant to the class certification motion on February 25, 2013, and Defendant has agreed in
19 principal to produce certain data responsive to that request, but such production has not yet
20 occurred.

21 WHEREAS the parties are in agreement that further discovery and production of certain
22 data in response to Plaintiff’s February 25 request is necessary in order to have a full and
23 complete record for Plaintiff’s Motion.

24 WHEREAS the parties agree that the schedule for briefing Plaintiff’s Class Certification
25 Motion should be extended in order to accommodate the planned mediation, the production of this
26 data, and time for discovery if Plaintiff’s request to add a class representative (which Defendant
27 opposes) is granted, the parties propose the following schedule;

1 WHEREAS, due to the proposed mediation and other procedural developments in this
2 case, the parties agree that the other various deadlines in this case should be reset to accommodate
3 the parties' attempt to settle the case, subject to Court approval and convenience:

4 NOW, THEREFORE, by and through their counsel of record, the parties hereby stipulate
5 and agree to the following deadlines and dates in this case, subject to Court approval:

6	Plaintiff's Motion for Class Certification to be filed:	June 28, 2013
7	Defendant's Opposition to the Motion to be filed:	August 30, 2013
8	Plaintiff's Reply in Support of the Motion to be filed:	September 20, 2013
9	Hearing on the Motion:	October 2, 2013
10	Expert Witness Disclosures:	December 18, 2013
11	Supplemental/Rebuttal Expert Disclosures	January 17, 2014
12	Completion of Discovery	February 19, 2014
13	Final Pre-Trial Conference	June 6, 2014
14	Trial	July 14, 2014

15
16 All other matters shall remain as they have been set by the Court in the Pre-Trial
17 Scheduling Order (Dkt. No. 38).

18 IT IS SO STIPULATED

19 Respectfully Submitted,

20 Dated: April 2, 2013

COTCHETT, PITRE & McCARTHY, LLP

21 By: /s/ Eric J. Buescher
ERIC J. BUESCHER

22 *Attorneys for Plaintiff and the Class*

23
24 Dated: April 2, 2013

SEVERSON & WERSON, P.C.

25 By: /s/ Philip Barilovits
PHILIP BARILOVITS

26 *Attorneys for Defendant*
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1 **ORDER (AS MODIFIED BY THE COURT)**

2 Pursuant to the stipulation of the parties herein and for good cause shown, it is hereby
3 ordered that:

4 Plaintiff's Motion for Class Certification to be filed: June 28, 2013
5 Defendant's Opposition to the Motion to be filed: August 30, 2013
6 Plaintiff's Reply in Support of the Motion to be filed: September 20, 2013
7 Hearing on the Motion: October 9, 2013 at 9:30 a.m.
8 Expert Witness Disclosures: December 18, 2013
9 Supplemental/Rebuttal Expert Disclosures January 17, 2014
10 Completion of Discovery February 19, 2014
11 Final Pre-Trial Conference June 6, 2014 at 10:00 a.m.
12 Jury Trial July 14, 2014 at 9:00 a.m.
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14 **IT IS SO ORDERED.**

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16 **Dated:** 4/3/2013

17 /s/ John A. Mendez
18 HON. JOHN A. MENDEZ
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