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23 Attorneys for Defendants
24 *Bank of America, N.A.*
25 *Bank of America Corporation*

26 **UNITED STATES DISTRICT COURT**
27 **EASTERN DISTRICT OF CALIFORNIA**
28 **SACRAMENTO DIVISION**

ANTONIO ESQUIVEL and BEATRIZ
ESQUIVEL, individually, on behalf of all
others similarly situated, and on behalf of
the general public,

Plaintiffs,

v.

BANK OF AMERICA, N.A; BANK OF
AMERICA CORPORATION; and DOES 1
through 100 inclusive,

Defendants.

Case No. 2:12-cv-02502-GEB-KJN

**STIPULATED REQUEST FOR
EXTENSION OF TIME FOR
DEFENDANTS TO FILE OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND MODIFICATION
OF SCHEDULING ORDER**

Judge: Hon. Garland E. Burrell, Jr.
Dept.: Courtroom 10, 13th Floor

1 Plaintiffs Antonio and Beatriz Esquivel (“Plaintiffs”) and Defendants Bank of America,
2 N.A. and Bank of America Corporation (together, “Bank of America” or “Defendants”)
3 (collectively referred to as the “Parties”) hereby stipulate to, and jointly move this court for an
4 order, (a) setting June 2, 2015 as the deadline for Defendants to file their class certification
5 opposition submissions; (b) setting July 1, 2015 as the deadline for Plaintiffs to file their class
6 certification reply submissions; (c) setting the hearing on the class certification motion for July 20,
7 2015; and (d) setting the Pretrial Scheduling Conference for 9:00 a.m. on September 21, 2015.

8 WHEREAS, on November 19, 2013, the Court ordered that (a) Plaintiffs’ Motion for Class
9 Certification be filed by September 8, 2014; (b) Defendants’ Opposition to Plaintiffs’ Motion for
10 Class Certification be filed by October 23, 2014; (c) Plaintiffs’ Reply in Support of their Motion
11 for Class Certification be filed by November 21, 2014; (d) the hearing on Plaintiffs’ Class
12 Certification Motion be noticed for December 8, 2014 at 9:00 a.m.; and (e) a further status
13 conference be set for February 9, 2015 (Dkt. #52);

14 WHEREAS, on July 17, 2014, the Court granted the Parties’ Stipulated Request for
15 Modification of Scheduling Order, and ordered that (a) Plaintiffs’ Motion for Class Certification
16 be filed by March 30, 2015; (b) Defendants’ Opposition to Plaintiffs’ Motion for Class
17 Certification be filed by May 14, 2015; (c) Plaintiffs’ Reply in Support of their Motion for Class
18 Certification be filed by June 12, 2015; (d) the hearing on Plaintiffs’ Class Certification Motion be
19 noticed for June 29, 2015 at 9:00 a.m.; and (e) a further status conference be set for August 31,
20 2015 (Dkt. #60);

21 WHEREAS, Plaintiffs filed their Motion for Class Certification on March 30, 2015;

22 WHEREAS, Defendants originally noticed both Plaintiffs’ depositions for April 22, 2015
23 and subpoenaed third-party witness Irma Escobar to testify at a deposition on April 22, 2015;

24 WHEREAS, Defendants took Plaintiff Beatriz Esquivel’s deposition on April 22, 2015;

25 WHEREAS, Plaintiff Antonio Esquivel and third-party witness Irma Escobar did not sit
26 for their depositions on April 22, 2015;

27 WHEREAS, at Plaintiffs’ request, Defendants re-noticed Antonio Esquivel’s deposition

1 for May 4, 2015 and issued a subpoena for Irma Escobar to testify at a deposition on May 4, 2015;

2 WHEREAS, due to Mr. Esquivel's health, his deposition was not completed until May 4,
3 2015;

4 WHEREAS, third-party witness Patricia Reyes did not testify until May 5, 2015;

5 WHEREAS, based on Defendants' need to depose the witnesses in this case well-prior to
6 the date by which they must file their Opposition, Defendants require additional time to prepare
7 their Opposition;

8 WHEREAS, the Parties agree that additional time for Defendant to file their Opposition is
9 necessary in order for Defendants not to be prejudiced in responding to Plaintiffs' certification
10 motion;

11 WHEREAS, this request is made in good faith and not for the purposes of delay;

12 WHEREAS, under these circumstances, there is good cause to grant the requested
13 extension;

14 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate and
15 jointly request that the Court set the dates for class certification as follows:

| <u>Deadline</u> | <u>Date</u> |
|--|------------------|
| Opposition to Motion for Class Certification | June 2, 2015 |
| Reply to Motion for Class Certification | July 1, 2015 |
| Class Certification Hearing | July 27, 2015 |
| Pretrial Scheduling Conference | October 19, 2015 |

22
23 **IT IS SO STIPULATED.**
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26
27

1 Dated: May 5, 2015

Respectfully submitted,

3 By: /s/ Alyssa Sussman

4 Steven A. Ellis

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GOODWIN PROCTER LLP

Attorneys for Defendants

BANK OF AMERICA, N.A.,

BANK OF AMERICA

CORPORATION

10 Dated: May 5, 2015

Respectfully submitted,

12 By: /s/ Eric Mercer

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ANTONIO AND BEATRIZ

ESQUIVEL

1 **PROOF OF SERVICE**

2 I am employed in the City and County of New York, State of New York. I
3 am over the age of 18 and not a party to the within action. My business address is
4 620 Eighth Avenue, New York, New York 10018.

5 On May 5, 2015, I served the following document by serving it on the persons
6 below as follows:

7 **STIPULATED REQUEST FOR EXTENSION TO FILE CERTIFICATION OPPOSITION**

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29 ☒ (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the
30 office(s) of the addressee(s) listed above by electronic mail at the e-mail address(es) set
31 forth above pursuant to Fed.R.Civ.P.5(d)(1). "A Notice of Electronic Filing (NEF) is
32 generated automatically by the ECF system upon completion of an electronic filing. The
33 NEF, when e-mailed to the e-mail address of record in the case, shall constitute the proof
34 of service as required by Fed.R.Civ.P.5(d)(1). A copy of the NEF shall be attached to
35 any document served in the traditional manner upon any party appearing pro se."

36 I declare under penalty of perjury that I am employed in the office of a
37 member of the bar of this Court at whose direction this service was made and that
38 the foregoing is true and correct.

39 Executed on May 5, 2015 at New York, New York.

40 Alyssa Sussman



(Signature)

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24 AMERICA CORPORATION; and DOES 1
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Case No. 2:12-cv-02502-GEB-KJN


**[PROPOSED] ORDER GRANTING
STIPULATED REQUEST FOR
EXTENSION OF TIME FOR
DEFENDANTS TO FILE OPPOSITION TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND MODIFICATION
OF SCHEDULING ORDER**

Judge: Hon. Garland E. Burrell, Jr.
Dept.: Courtroom 10, 13th Floor

Upon consideration of the Stipulated Request for Extension of Time for Defendants to File Opposition to Plaintiffs' Motion for Class Certification and Modification of Scheduling Order, IT IS HEREBY ORDERED THAT the Joint Stipulation is hereby GRANTED. The deadline for Defendants to file their class certification opposition submissions is continued to June 2, 2015; the deadline for Plaintiffs to file their class certification reply submissions is continued to July 1, 2015; the hearing date on the class certification motion is continued to July 20, 2015; and the Pretrial Scheduling Conference date is continued to 9:00 a.m. on September 21, 2015.

IT IS SO ORDERED.

Dated: May 6, 2015


GARLAND E. BURRELL, JR.
Senior United States District Judge