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6 **Attorneys for Defendant**  
**PNC BANK, N.A. and HSBC BANK U.S.A., N.A.,**  
 7 **as Trustee for Luminant Mortgage Trust 2007-2**  
**(sued erroneously as "HSBC BANK, U.S.A., N.A.)**

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 9 **UNITED STATES DISTRICT COURT**  
 10 **EASTERN DISTRICT OF CALIFORNIA**  
 11 **SACRAMENTO DIVISION**

12 THOMAS A. WEBER and BELINDA G. WEBER,  
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 14 Plaintiffs,  
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 16 v.  
 17 PNC BANK, N.A.; HSBC BANK, U.S.A., N.A.;  
 18 and DOES 1 to 100, inclusive,  
 19  
 20 Defendants.

Case No.: 2:13-cv-00298 TLN CKD

**STIPULATION AND ORDER TO  
 CONTINUE TRIAL AND TRIAL-  
 RELATED DATES**

Current Trial Date: October 17, 2016  
 Proposed Trial Date: April 17, 2016  
 Time: TBA  
 Place: Courtroom 2, 15<sup>th</sup> Floor

Hon. Troy L. Nunley

21 Pursuant to Federal Rules of Civil Procedure, Rule 16(b)(4) and the U.S. District Court,  
 22 Eastern District of California, Local Civil Rule 83-143, Defendants PNC BANK, N.A. ("PNC") and  
 23 HSBC BANK U.S.A., N.A., as Trustee for Luminant Mortgage Trust 2007-2 (sued erroneously as  
 24 "HSBC BANK, U.S.A., N.A.") ("HSBC") (collectively "Defendants") and Plaintiffs THOMAS A.  
 25 WEBER and BELINDA G. WEBER ("Plaintiffs") (collectively, the "Parties") herein stipulate for a  
 26 continuance of the trial date, the pre-trial conference date, and trial-related dates and deadlines in the  
 above-referenced action.

27 **RECITALS**

28 1. Trial in this matter is currently set for October 17, 2016, and the pre-trial conference



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date is set for August 11, 2016.

2. The Parties agree that a continuance of the trial and trial related dates is in the best interest of justice of all parties because:

- a) Plaintiff filed a Second Amended Complaint on June 18, 2014 (Docket Doc No. 47) containing entirely new claims for relief;
- b) Following a Motion to Dismiss, Defendants filed an answer to the Second Amended Complaint on February 2, 2015 (Docket Doc No. 61);
- c) Following the death of Plaintiff Belinda Weber, the Parties have been exploring potential settlement options, including but not limited to, a loan modification review;
- d) However, the Parties require additional time in order to explore all potential settlement options;
- e) There are currently no other parties involved in this litigation, and thus no parties will be prejudiced by the terms of this stipulation;
- f) As the pleadings contain new allegations and claims, the Parties will need additional time to conduct discovery;
- g) Unless the trial date and all related trial-related deadlines are continued, the Parties will be without sufficient time to conduct a factual investigation and prepare for trial.

3. The Parties had previously requested a trial continuance on July 22, 2014, at which time the pleadings were not at issue and contained new allegations and claims, necessitating additional time to conduct discovery. A continuance of the trial and trial-related deadlines will not prejudice any of the Parties;

4. Thus, good cause exists for a continuance of the trial and trial-related dates in this action.

5. Whereas, the Parties request a continuance of the following deadlines:

<b>July 8, 2015</b>	Last Day to Complete Discovery;
<b>August 3, 2015</b>	Disclosure of Expert Witness;



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**ORDER**

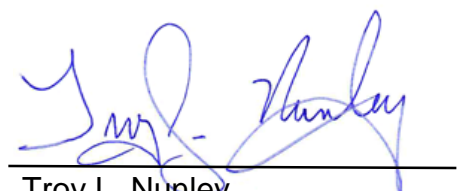
The Court, having reviewed the Stipulation and Proposed Order to Continue Trial and Trial-Related Dates, and good cause appearing therefore, makes the following Order:

The trial date is continued from October 20, 2016 to May 1, 2017, at 9:00 a.m. in Courtroom 2, 15<sup>th</sup> Floor, of the above-referenced court. The following deadlines are continued as follows:

- July 8, 2016** Last Day to Complete Discovery;
- August 3, 2016** Disclosure of Expert Witness;
- November 3, 2016** Dispositive Motion Cutoff;
- February 2, 2017** Joint Final Pre-Trial Statements and evidentiary/procedural motions;
- April 17, 2017** Trial Briefs Due;
- February 9, 2017** Final Pre-Trial Conference at 2:00 p.m.
- May 1, 2017** Trial Date at 9:00 a.m.

IT IS SO ORDERED.

Dated: January 27, 2016

  
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Troy L. Nunley  
United States District Judge