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**BURSOR & FISHER, P.A.**  
L. Timothy Fisher (State Bar No. 191626)  
Yeremey O. Krivoshey (State Bar No.295032)  
1990 North California Blvd., Suite 940  
Walnut Creek, CA 94596  
Telephone: (925) 300-4455  
Email: ltfisher@bursor.com  
ykrivoshey@bursor.com

**BURSOR & FISHER, P.A.**  
Scott A. Bursor (State Bar No. 276006)  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (212) 989-9113  
Facsimile: (212) 989-9163  
E-Mail: scott@bursor.com

*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MIKE CORTES, on Behalf of Himself and all  
Others Similarly Situated,  
  
Plaintiff,  
  
v.  
  
NATIONAL CREDIT ADJUSTERS, L.L.C.,  
  
Defendant.

Case No. 2:16-cv-00823-MCE-EFB

**STIPULATION TO VACATE  
FEBRUARY 7, 2019 HEARING AND  
REMAINING PRETRIAL DEADLINES;  
NOTICE OF SETTLEMENT; AND  
ORDER**

1 Pursuant to Civil Local Rule 143, Plaintiff Mike Cortes (“Plaintiff”) and Defendant  
2 National Credit Adjusters, L.L.C. (“Defendant”) (collectively, the “Parties”), by and through their  
3 respective counsel, stipulate as follows:

4 WHEREAS, on August 2, 2017, the Court granted Plaintiff’s motion for class certification,  
5 entered default judgment as to liability, and held the issue of damages in abeyance (ECF Doc. No.  
6 10);

7 WHEREAS, on August 3, 2018, the Court approved Plaintiff’s notice plan, directed  
8 Plaintiff to provide notice to the class, and held judgment as to liability in abeyance for the duration  
9 of the notice period;

10 WHEREAS, on August 10, 2018, Plaintiff caused notice to be disseminated pursuant to the  
11 Court’s August 3, 2018 order (ECF Doc. No. 26);

12 WHEREAS, on September 4, 2018, Defendant filed a Motion to Set Aside Default, for  
13 Leave to File an Answer and Affirmative Defenses and to Vacate August 2, 2017 Memorandum  
14 and Order (ECF Doc. No. 23), and Defendant’s motion has now been fully briefed;

15 WHEREAS, on November 20, 2018, Plaintiff filed a Motion for Damages and Costs (ECF  
16 Doc. No. 29), and Plaintiff’s motion has now been fully briefed;

17 WHEREAS, on January 10, 2019, the Court, on its own motion, scheduled Defendant’s  
18 Motion to Set Aside Default to be heard on February 7, 2019, at 11:00 a.m. (ECF Doc. No. 33);

19 WHEREAS, on January 18, 2019, the Parties participated in a mediation with Martin  
20 Quinn, Esq., at JAMS in San Francisco, CA.

21 WHEREAS, on February 5, 2019, the Parties executed a binding Term Sheet setting out an  
22 agreement to settle all claims in this action on a class basis;

23 WHEREAS, the Parties agree to work in a good faith basis to execute a full class action  
24 settlement agreement, to be submitted to the Court for preliminary and final approval;

25 WHEREAS, there is no longer a reason to have a hearing on February 7, 2019, as the  
26 Parties have agreed to settle all of their claims;

1 NOW THEREFORE, IT IS STUPULATED AND AGREED by the Parties, by and through  
2 their counsel, that the February 7, 2019 hearing and all remaining pretrial deadlines shall be  
3 vacated.

4  
5 Dated: February 5, 2019

Respectfully submitted,

6 **BURSOR & FISHER, P.A.**

7 By: /s/ Yeremey Krivoshey  
Yeremey Krivoshey

8 L. Timothy Fisher (State Bar No. 191626)  
9 Yeremey Krivoshey (State Bar No. 295032)  
10 1990 North California Boulevard, Suite 940  
11 Walnut Creek, CA 94596  
12 Telephone: (925) 300-4455  
Facsimile: (925) 407-2700  
E-Mail: ltfisher@bursor.com  
ykrivoshey@bursor.com

13 **BURSOR & FISHER, P.A.**

14 Scott A. Bursor (State Bar No. 276006)  
15 888 Seventh Avenue  
16 New York, NY 10019  
Telephone: (212) 989-9113  
Facsimile: (212) 989-9163  
E-Mail: scott@bursor.com

17 *Attorneys for Plaintiff*

18 Dated: February 5, 2019

Respectfully submitted,

19 **SESSIONS, FISHMAN, NATHAN & ISRAEL,**  
20 **L.L.P.**

21 By: /s/ James K. Schultz  
James K. Schultz

22 James K. Schultz (State Bar No. 309945)  
23 Debbie P. Kirkpatrick (State Bar No. 207112)  
24 1545 Hotel Circle South, Suite 150  
San Diego, CA 92108  
25 Telephone: (619) 758-1891  
Facsimile: (619) 296-2013  
E-Mail: jschultz@sessions.legal  
dkirkpatrick@sessions.lega

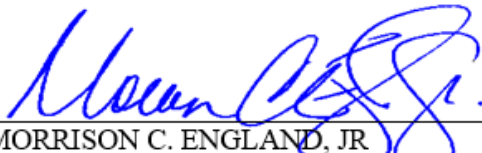
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27 *Attorneys for Defendant National Credit Adjusters,*  
28 *LLC*

1 **ORDER**

2 Pursuant to the above stipulation between the Parties concerning a tentative settlement, IT  
3 IS HEREBY ORDERED that all deadlines, hearings, and pending motions concerning this matter  
4 are VACATED as moot. In accordance with the provisions of Local Rule 160, dispositional  
5 documents are to be filed no later than **February 28, 2019**. Failure to file dispositional papers on  
6 this date may be grounds for sanctions. The Court may, on good cause shown, extend the time for  
7 the filing dispositional papers upon a written request from the Parties.

8 IT IS SO ORDERED.

9 Dated: February 6, 2019

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11 MORRISON C. ENGLAND, JR.  
12 UNITED STATES DISTRICT JUDGE  
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