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6	Attorneys for Defendants Select Portfolio Servicing, Inc.; Wells Fargo Ban	k.	
7	N.A., as Trustee for Structured Asset Mortgage Investments II Inc. Bear Stearns Mortgage Funding		
8	Trust 2006-AR5, Mortgage Pass-Through		
9	Certificates, Series 2006-AR5 (erroneously sued as "Wells Fargo Bank, N.A.")		
10			
11	UNITED STATES DISTRICT COURT		
12	EASTERN DISTRICT OF CALIFORNIA		
12	SACRAMENTO DIVISION		
	MAYBELLE SAN MIGUEL,	Case No. 2:16-cv-03034-TLN-CKD	
14	Plaintiff,	STIPULATED REQUEST TO MODIFY	
15	v.	INITIAL PRETRIAL SCHEDULING ORDER; ORDER	
16	SELECT PORTFOLIO SERVICING, INC.;	Action Filed: November 17, 2016	
17	WELLS FARGO BANK, N.A.; and DOES 1 through 50, inclusive,		
18			
19	Defendants.		
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STOEL RIVES LLP Attorneys At Law Sacramento

1	TO THE COURT, ALL PARTIES, AND TO THEIR ATTORNEYS OF RECORD:		
2	Plaintiff Maybelle San Miguel ("Plaintiff") and Defendants Select Portfolio Servicing,		
3	Inc. ("SPS") and Wells Fargo Bank, N.A, as Trustee for Structured Asset Mortgage Investments		
4	II Inc. Bear Stearns Mortgage Funding Trust 2006-AR5, Mortgage Pass-Through Certificates,		
5	Series 2006-AR5's (erroneously sued as "Wells Fargo Bank, N.A.") ("Wells Fargo")		
6	(collectively, "Defendants"), hereby recite and stipulate, subject to the Court's approval as		
7	provided for herein, as follows:		
8	RECITALS		
9	1. On November 17, 2016, Plaintiff filed this action in the Sacramento County		
10	Superior Court. ECF No. 1. On December 28, 2016, SPS removed this action to this Court. Id.		
11	2. On March 9, 2017, the Court issued a Pretrial Scheduling Order. ECF No. 10.		
12	The following deadlines apply pursuant to this Order:		
13	a. October 31, 2017 deadline to complete fact discovery;		
14	b. December 28, 2017 deadline to designate expert witnesses; and		
15	c. April 19, 2018 deadline to file dispositive motions.		
16	3. On March 9, 2017, Defendants filed its Motion To Dismiss. ECF No. 11.		
17	4. On May 12, 2017, the Court entered a Minute Order stating that Defendants'		
18	Motion to Dismiss was submitted without oral argument.		
19	5. As of October 2017, the Court has not ruled on the Motion to Dismiss. The		
20	pleadings are not yet "at issue." Despite this, Defendants have engaged in some, but not all, of		
21	their discovery given that the allegations ultimately at issue in the case may change.		
22	6. The parties submit that good cause exists to continue for 120-days the October 31,		
23	2017 deadline to complete fact discovery ¹ because, in an effort to limit costs and to litigate this		
24	action in the most efficient means possible, the certain fact discovery while the Court was		
25	considering Defendants' Motion To Dismiss has been delayed.		
26			
27	¹ The Parties believe it prudent to extend the expert designation deadline to close at a time sufficiently after the close of the fact discovery deadline. The Parties therefore propose a 90-day extension of the expert designation		
28	deadline to March 28, 2018. As far as the Parties can see, neither of these extensions interfere with the other deadlines in the case associated with dispositive motions, the pre-trial conference or trial dates.		

1	7. The trial date is set for Octo	ber 1, 2018. ECF No. 10. Continuing the fact	
2	discovery deadline for 120-days and expert designation deadline for 90-days does not appear to		
3	interfere with the District Court's calendar.		
4	8. Neither party has previously	v submitted a request to continue any dates in the Initial	
5	Pretrial Scheduling Order.		
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7	STIPULATIONS		
8	The Parties stipulate to a 120-day continuance of the October 31, 2017 fact discovery		
9	deadline; and 90-day continuance of the expert designation deadline.		
10	Plaintiff and Defendants so stipulate	e.	
11			
12	DATED: October 27, 2017	STOEL RIVES LLP	
13			
14		By: <u>/s/ Tiffanie C. de la Riva</u>	
15		THOMAS A. WOODS TIFFANIE C. DE LA RIVA	
16		Attorneys for Defendant Select Portfolio Servicing, Inc.; Wells Fargo Bank, N.A., as Trustee for	
17		Structured Asset Mortgage Investments II Inc. Bear Stearns Mortgage Funding Trust	
18		2006-AR5, Mortgage Pass-Through Certificates, Series 2006-AR5	
19		(erroneously sued as "Wells Fargo Bank, N.A.")	
20		N.A.)	
21	DATED: October 27, 2017	KETTNER LAW	
22			
23		By: <u>/s/ Marc Applbum (as authorized on</u> 10/27/17)	
24		MARC APPLBAUM Attorneys for Plaintiff	
25		MAYBELLE SAN MIGUEL	
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1	<u>ORDER</u>	
2	Pursuant to the terms of the foregoing stipulation, the Court extends the fact discovery	
3	deadline 120-days: from October 31, 2017 to February 28, 2018. The Court also extends the	
4	expert designation deadline 90-days: from December 28, 2017 to March 28, 2018.	
5	IT IS SO ORDERED.	
6	Dated: October 30, 2017	
7	my Thunkey	
8	Troy L. Nunley	
9	United States District Judge	
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