

1 Galen T. Shimoda (SBN 226752)  
 Justin P. Rodriguez (SBN 278275)  
 2 SHIMODA LAW CORP.  
 9401 East Stockton Blvd., Suite 200  
 3 Elk Grove, California 95624  
 Telephone: (916) 525-0716  
 4 Facsimile: (916) 760-3733  
 Email: jrodriguez@shimodalaw.com  
 5 attorney@shimodalaw.com

6 Attorneys for Plaintiff JARED ACOSTA

7 Julie G. Yap (SBN 243450)  
 8 Tiffany T. Tran (SBN 294213)  
 SEYFARTH SHAW LLP  
 9 400 Capitol Mall, Suite 2350  
 Sacramento, California 95814-4428  
 10 Telephone: (916) 448-0159  
 Facsimile: (916) 558-4839  
 11 Email: jyap@seyfarth.com  
 ttran@seyfarth.com

12 Alexander A. Baehr (Admitted *Pro Hac Vice*)  
 13 SUMMIT LAW GROUP PLLC  
 315 Fifth Avenue S., Suite 1000  
 14 Seattle, WA 98104  
 Telephone: (206) 676-7039  
 15 Facsimile: (206) 676-7001

16 Attorneys for Defendant  
 EVERGREEN MONEYSOURCE MORTGAGE  
 17 COMPANY

18 UNITED STATES DISTRICT COURT  
 19 EASTERN DISTRICT OF CALIFORNIA

20 JARED ACOSTA,  
 21  
 22 Plaintiff,  
 23 v.  
 24 EVERGREEN MONEYSOURCE MORTGAGE  
 COMPANY, a Washington Corporation; and  
 25 DOES 1 to 100 inclusive,  
 26 Defendants.

Case No. 2:17-cv-00466-KJM-DB

**STIPULATION AND ORDER TO  
 MODIFY THE STATUS (PRETRIAL  
 SCHEDULING) ORDER**

Date Action Filed: January 24, 2017  
 FAC Filed: August 11, 2017

1 Plaintiff JARED ACOSTA and Defendant EVERGREEN MONEYSOURCE MORTGAGE  
2 COMPANY, by and through their respective counsel of record, hereby agree to the following:

3 WHEREAS, the Court's Status (Pretrial Scheduling) Order orders Plaintiff and Defendant to  
4 participate in private mediation by January 25, 2018 based on a prior representation from the parties that  
5 this date was confirmed with the mediator;

6 WHEREAS, on November 29, 2017, counsel for Defendant, Alexander A. Baehr, informed  
7 Plaintiff's Counsel, Justin P. Rodriguez, that due to a trial being scheduled to begin on January 22, 2018  
8 mediation on January 25, 2018 would no longer be possible;

9 WHEREAS, Mr. Baehr contacted the mediator to find the earliest possible alternative date,  
10 which was February 21, 2018;

11 WHEREAS, the parties have confirmed their ability to attend and participate in a mediation on  
12 February 21, 2018;

13 WHEREAS, the parties wish to modify the Court's Status (Pretrial Scheduling) to account for  
14 the delay in the ability to complete mediation and preserve their litigation resources to help facilitate the  
15 possibility of settlement in this matter;

16 WHEREAS, the parties submitted a Joint Motion to Modify the Courts Status (Pretrial  
17 Scheduling) Order on December 19, 2017; and

18 WHEREAS, on December 21, 2017, the parties were directed by the Courtroom Clerk, Casey  
19 Schultz, to file a stipulation and proposed order in lieu of the Joint Motion.

20 NOW, THEREFORE, good cause having been shown under Rule 16, the parties stipulate to and  
21 agree, subject to the Court's approval, to the following modification of the deadlines set forth in the  
22 Court's Status (Pretrial Scheduling) Order:

- 23 1. Continue the deadline for the parties to participate in private mediation from January 25,  
24 2018 to **February 21, 2018**;
- 25 2. Continue the deadline for completing class certification discovery from June 15, 2018 to **July**  
26 **12, 2018**;

27 ////

28 ////

3. Continue the deadline for counsel to designate in writing, file with the court, and serve upon all other parties the name, address, and area of expertise of each expert from July 20, 2018 to **August 16, 2018**;
4. Continue the deadline for any party who previously disclosed expert witnesses to submit a supplemental list of expert witnesses who will express an opinion on a subject covered by an expert designated by an adverse party, if the party supplementing an expert witness designation has not previously retained an expert to testify on that subject from August 10, 2018 to **September 6, 2018**;
5. Continue the deadline for completing expert discovery from September 11, 2018 to **October 8, 2018**;
6. Continue the deadline for Plaintiff to file his certification motion from September 11, 2018 to on or before **October 8, 2018**; and
7. Continue the hearing on Plaintiff's motion for class certification from October 19, 2018 to **November 16, 2018**.

**IT IS SO STIPULATED.**

DATED: December 21, 2017

Respectfully submitted,

SHIMODA LAW CORP.

By: /s/ Justin P. Rodriguez

Galen T. Shimoda  
Justin P. Rodriguez

Attorneys for Plaintiff  
JARED ACOSTA

DATED: December 21, 2017

SEYFARTH SHAW LLP

By: /s/ Julie G. Yap

Julie G. Yap  
(as authorized 12/21/17)  
Tiffany T. Tran

Attorneys for Defendant  
EVERGREEN MONEYSOURCE MORTGAGE  
COMPANY

1 DATED: December 21, 2017

SUMMIT LAW GROUP PLLC

2  
3 By: /s/ Alexander A. Baehr

Alexander A. Baehr (*Admitted Pro Hac Vice*)  
4 (as authorized 12/21/17)

5 Attorney for Defendant  
6 EVERGREEN MONEYSOURCE MORTGAGE  
7 COMPANY

8 \* \* \*

9 **ORDER**

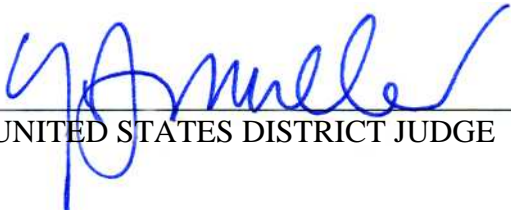
10 Good cause appearing therefore under Rule 16, the Court makes the following modifications to  
11 its Status (Pretrial Scheduling) Order:

- 12 1. The deadline for the parties to participate in private mediation shall be moved from January  
13 25, 2018 to **February 21, 2018;**
- 14 2. The deadline for completing class certification discovery shall be moved from June 15, 2018  
15 to **July 12, 2018;**
- 16 3. The deadline for counsel to designate in writing, file with the court, and serve upon all other  
17 parties the name, address, and area of expertise of each expert shall be moved from July 20,  
18 2018 to **August 16, 2018;**
- 19 4. The deadline for any party who previously disclosed expert witnesses to submit a  
20 supplemental list of expert witnesses who will express an opinion on a subject covered by an  
21 expert designated by an adverse party, if the party supplementing an expert witness  
22 designation has not previously retained an expert to testify on that subject shall be moved  
23 from August 10, 2018 to **September 6, 2018;**
- 24 5. The deadline for completing expert discovery shall be moved from September 11, 2018 to  
25 **October 8, 2018;**
- 26 6. The deadline for Plaintiff to file his certification motion shall be moved from on or before  
27 September 11, 2018 to on or before **October 8, 2018;** and  
28

1           7. The hearing on Plaintiff's motion for class certification shall be moved from October 19,  
2                   2018 to **November 16, 2018**.

3 IT IS SO ORDERED:

4  
5 Date: January 3, 2018.

6  
7   
8 \_\_\_\_\_  
9 UNITED STATES DISTRICT JUDGE  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28