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

10 _____
 11 JARED ACOSTA,)
 12)
 13 Plaintiff,)
 14)
 15 vs.)
 16)
 17 EVERGREEN MONEYSOURCE)
 18 MORTGAGE COMPANY, a Washington)
 19 Corporation; and DOES 1 to 100, inclusive,)
 20)
 21 Defendants.)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

Case No. 2:17-cv-00466-KJM-DB
CLASS ACTION
STIPULATION AND ORDER
AMENDING THE COURT’S AUGUST
13, 2018 ORDER PRELIMINARILY
APPROVING PLAINTIFF’S CLASS
ACTION SETTLEMENT

Judge: Hon. Kimberly J. Mueller

Filed: January 24, 2017
 FAC Filed: August 11, 2017
 Trial Date: None Set

1 This Stipulation and Proposed Order is entered into between Plaintiff JARED ACOSTA
2 (“Plaintiff”) and Defendant EVERGREEN MONEYSOURCE MORTGAGE COMPANY.
3 (“Defendant”) (Plaintiff and Defendant, collectively, the “Parties”), by and through their counsel of
4 record, as follows:

5 WHEREAS Plaintiff filed a Motion for Preliminary Approval of Class Action Settlement
6 (“Motion”) on April 4, 2018 that was set to be heard, and was heard, on May 18, 2018;

7 WHEREAS Plaintiff submitted a Proposed Order as part of the Motion setting forth a timeline
8 for settlement administration and a proposed date for a final fairness hearing of November 6, 2018;

9 WHEREAS the timeline submitted by Plaintiff and the proposed final fairness hearing date of
10 November 6, 2018 was premised on an Order being issued on or shortly after the May 18, 2018 hearing;

11 WHEREAS the Court signed an Order Preliminarily Approving Plaintiff’s Motion (“Order”) on
12 August 10, 2018;

13 WHEREAS, based on the date of the Order and the adopted administration schedule therein,
14 the notice period to class members will not expire until approximately December 6, 2018 and a
15 declaration regarding settlement administration will not be available until approximately December 27,
16 2018; and

17 WHEREAS the Parties wish to reset the date for the final fairness hearing to post-date the close
18 of the notice period and deadline for the settlement administrator to provide a declaration, while also
19 providing adequate time to prepare and submit a motion for final approval;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
21 Parties, subject to the approval of the Court, as follows:

22 1. The Court’s Order will be modified in the following respects only: The final approval
23 hearing is reset to February 1, 2019 at 10:00 AM in Courtroom 3, or some later time that is convenient
24 for the Court, with briefs and supporting documentation due two weeks prior to the hearing.

25 2. The Court’s August 10, 2018 Order Preliminarily Approving the Class Action Settlement
26 shall remain in effect in all respects not expressly modified herein.

27 DATED: August 23, 2018

28 /s/ Julie G. Yap
JULIE G. YAP

(as authorized on 8/13/18)
Counsel for Defendants

DATED: August 23, 2018

/s/ Justin P. Rodriguez
GALEN T. SHIMODA
JUSTIN P. RODRIGUEZ
SHIMODA LAW CORP.
Counsel for Plaintiffs

ORDER

The COURT, having considered the above stipulation and good cause appearing therefore,
HEREBY ORDERS that:

1. The Court's Order will be modified in the following respects only: The final approval hearing set for November 2, 2018 is VACATED and reset for **February 8, 2019 at 10:00 a.m.** in Courtroom 3, with briefs and supporting documentation due two weeks prior to the hearing.

2. The Court's August 10, 2018 Order Preliminarily Approving the Class Action Settlement shall remain in effect in all respects not expressly modified herein.

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: August 23, 2018.


UNITED STATES DISTRICT JUDGE