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16 Attorneys for Defendant
 17 EVERGREEN MONEYSOURCE MORTGAGE
 COMPANY

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 19 UNITED STATES DISTRICT COURT
 20 EASTERN DISTRICT OF CALIFORNIA

21 JARED ACOSTA,
 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
 REGARDING PLEADING DEADLINES
 AND DISCOVERY STAY**

Date Action Filed: January 24, 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, on March 6, 2017, the parties engaged in meet and confer efforts, pursuant to Judge
4 Mueller's Standing Order, regarding Plaintiff's Complaint and Defendant's intention to file a motion to
5 dismiss;

6 WHEREAS, on March 7, 2017, the parties continued to meet and confer regarding Defendant's
7 motion to dismiss and began meet and confer discussions regarding Plaintiff's intention to file a motion
8 to remand;

9 WHEREAS, Plaintiff intends to file an amended Complaint that would add new class action
10 allegations and rest period claims against Defendant, as well as respond to some of the matters raised by
11 Defendant's counsel in the parties' meet and confer, but does not want to waive his right to file a motion
12 to remand by such a filing;

13 WHEREAS, Plaintiff represents that he will file a motion to remand no later than March 17,
14 2017;

15 WHEREAS, the parties understand that there the current Complaint will be subject to
16 amendment if this court retains jurisdiction;

17 WHEREAS, the parties agree that by entering into this stipulation and proposed order that
18 Plaintiff will not be considered to be waiving any right to file a motion seeking remand or otherwise
19 considered to be seeking affirmative relief that could be construed as waiving his right to file a motion
20 seeking remand; and

21 WHEREAS, the parties agree that discovery will be unnecessarily difficult without an agreed-
22 upon operative Complaint.

23 NOW, THEREFORE, the parties hereby jointly request and stipulate that:

24 1. If this Court denies Plaintiff's motion to remand, Plaintiff shall file an amended
25 Complaint within 14 days of this Court's ruling;

26 2. Defendant's deadline to file a responsive pleading is stayed, and Defendant shall file a
27 response to Plaintiff's amended Complaint within 21 days of its filing;

1 3. Plaintiff will not be considered to be waiving any right to file a motion seeking remand or
2 otherwise considered to be seeking affirmative relief that could be construed as waiving his right to file
3 a motion seeking remand as a result of this stipulation and proposed order; and

4 4. The parties Rule 26 conference and all discovery is stayed until Plaintiff files an amended
5 Complaint.

6 **IT IS SO STIPULATED.**

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8
9 DATED: March 8, 2017

Respectfully submitted,

SHIMODA LAW CORP.

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11 By: /s/ Justin P. Rodriguez

Justin P. Rodriguez
Galen T. Shimoda

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14 Attorneys for Plaintiff
JARED ACOSTA

15 DATED: March 8, 2017

SEYFARTH SHAW LLP

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17 By: /s/ Julie G. Yap

Julie G. Yap
Enedina S. Cardenas
Tiffany T. Tran

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19
20 DATED: March 8, 2017

SUMMIT LAW GROUP PLLC

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22 By: /s/ Alexander A. Baehr

Alexander A. Baehr (*Admitted Pro Hac Vice*)

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24 Attorneys for Defendant
EVERGREEN MONEYSOURCE MORTGAGE
25 COMPANY

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ORDER

IT IS SO ORDERED:

1. If this Court denies Plaintiff's motion to remand, Plaintiff shall file an amended Complaint within 14 days of this Court's ruling;
2. Defendant's deadline to file a responsive pleading is stayed, and Defendant shall file a response to Plaintiff's amended Complaint within 21 days of its filing;
3. Plaintiff will not be considered to be waiving any right to file a motion seeking remand or otherwise considered to be seeking affirmative relief that could be construed as waiving his right to file a motion seeking remand as a result of this stipulation and order; and
4. The Status (Pretrial Scheduling) Conference set for July 6, 2017 is continued to November 9, 2017 at 2:30 p.m., joint status report due at least seven (7) days prior to the conference, and all discovery is stayed until Plaintiff files an amended Complaint.

Dated: March 9, 2017


UNITED STATES DISTRICT JUDGE