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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO/OAKLAND DIVISION**

13 JAVIER AND LETICIA ZAMORA and
14 DANIEL PEREZ and ELIZABETH PEREZ,

15 Plaintiffs,

16 vs.

17 WACHOVIA CORPORATION and WORLD
18 SAVINGS BANK,

19 Defendants.

) No. C07-04603 JSW

) CLASS ACTION

) **JOINT CONTINUED CASE**
) **MANAGEMENT STATEMENT AND**
) **STATUS REPORT**

) The Honorable Jeffrey S. White

) Date: March 6, 2009
) Time: 1:30 pm
) Dept: Courtroom 2

1 Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, and Civil
2 Local Rule 16-10(d), plaintiffs Leticia Zamora and Daniel Perez and Elizabeth Perez
3 (“Plaintiffs”), along with defendant Wachovia Mortgage, FSB, formerly known as World
4 Savings Bank, FSB (“Wachovia”) hereby submit the following Joint Continued Case
5 Management Statement and Status Report. This statement briefly supplements the Joint Rule
6 26(f) Report and Case Management Conference Statement filed on December 3, 2007, the
7 First Amended Joint Rule 26(f) Report and Case Management Conference Statement filed on
8 January 5, 2008 and the Joint Continued Case management Conference Statement and
9 Updated Status Report filed on June 13, 2008 (collectively “Reports”).

10 **1. Settlement and ADR Process**

11 On May 13, 2008 and September 15, 2008, the parties mediated this matter before
12 Judge Edward A. Infante (Ret.) of JAMS and believed that additional mediation sessions
13 would be beneficial. The mediation process, however, was delayed by the acquisition of
14 Wachovia by Wells Fargo & Co, which closed on December 31, 2008.

15 The parties met with Judge Infante for a third mediation session on February 25, 2009
16 but did not reach a resolution and the mediation was suspended.

17 **2. Additional Anticipated Pre-Trial Motions**

18 In addition to the anticipated Motions as set out in the parties’ previous Reports, if
19 continued settlement and mediation discussions do not lead to a resolution of this matter,
20 Defendant presently anticipates moving to add the named plaintiffs’ mortgage brokers as
21 necessary parties pursuant to Federal Rule of Civil Procedure Rule 19(a). *See Steele v. GE*
22 *Money Bank*, No. 08-C-18880, 2009 U.S. Dist. LEXIS 11536 (N.D. Ill. Feb. 17, 2009).

23 Plaintiffs intend to amend the complaint to address the changes in defendant’s
24 ownership structure.

25 **3. Scheduling**

26 While some formal discovery has commenced, the parties have primarily engaged in
27 an informal exchange of information for purposes of mediation, so as to explore the
28 possibilities of resolution of this action without the costs and burdens associated with full

1 discovery. As a result, the parties request that the pre-trial deadlines be continued as follows:

2 PRE-TRIAL EVENT	PARTIES' REQUESTED DEADLINE:
3 Deadline to Amend Pleadings	July 2, 2009
4 Initial Expert Reports re Class Certification Issues	October 9, 2009
5 Rebuttal Expert Reports re Class Certification Issues	October 30, 2009 (defendant) November 13, 2009 (plaintiff)
6 Completion of Expert Discovery re Class Certification Issues	November 25, 2009
7 Last Day to File Motion for Class Certification	December 4, 2009
8 Opposition to Motion for Class Certification	January 22, 2010
9 Reply in Support of Motion for Class Certification	February 26, 2010
10 Hearing on Motion for Class Certification	March 19, 2010 or other date per Court's calendar at 9:00 a.m.
11 Close of Fact Discovery	July 15, 2010
12 Close of Expert Discovery	September 17, 2010
13 Joint Case Management Conference Statement Due	December 24, 2010
14 Case Management Conference	January 14, 2011
15 Dispositive Motion Hearing Date	January 14, 2011 at 9:00 a.m.

16 Dated: February 27, 2009



17 Dated: March 2, 2009

As all case management dates are HEREBY SET by approved stipulation, the case management conference set for March 6, 2009 is HEREBY VACATED.

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