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 7 Company

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 HUGO ZALDANA and GARY GUARDINEER,  
 11 individually, and on behalf of all others similarly  
 situated,

12 Plaintiffs,

13 vs.

14 KB HOME, a Delaware corporation;  
 15 COUNTRYWIDE FINANCIAL  
 CORPORATION d/b/a COUNTRYWIDE  
 16 HOME LOANS, a Delaware corporation; and  
 17 FIRST AMERICAN TITLE COMPANY, a  
 California corporation,

18 Defendants.

Case No. 08-CV-3399 MMC

Before the Honorable Maxine M. Chesney

**STIPULATION AND ~~PROPOSED~~ ORDER  
 CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE AND  
 DEADLINE TO MAKE INITIAL  
 DISCLOSURES**

Conference Date: December 19, 2008  
 Conference Time: 10:30 a.m.  
 Location: Courtroom 7

REED SMITH LLP  
 A limited liability partnership formed in the State of Delaware

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 23 On October 21, 2008, the Court entered an Order continuing the initial Case Management  
 24 Conference (“CMC”) to December 19, 2008. In the same Order, the Court set a deadline of  
 25 December 1, 2008 for Defendants to file a responsive pleading. Thereafter, Defendants informed  
 26 Plaintiffs that each intended to file a Motion to Dismiss. The parties met and conferred on a  
 27 proposed briefing and hearing schedule, and on November 26, 2008 the Court entered a Stipulated  
 28 Order setting December 8, 2008 as the deadline for Defendants to file their respective Motions to

1 Dismiss; January 16, 2009 as the deadline for Plaintiffs to file their Oppositions to Defendants’  
2 respective Motions to Dismiss; and January 30, 2009 as the deadline for Defendants to file Replies  
3 in support of their respective Motions to Dismiss. The Court set a hearing on Defendants’ Motions  
4 for Dismiss on February 13, 2009. Pursuant to the Court’s Order, each Defendant filed a Motion to  
5 Dismiss on December 8, 2008.

6  
7 The parties agree that it is in the interest of judicial efficiency to continue the initial CMC,  
8 and the deadline to make initial disclosures under Federal Rule of Civil Procedure 26(a), to a date  
9 after the Court considers Defendants’ Motions to Dismiss. If the Court grants Defendants’ Motions,  
10 the need to prepare for and appear at an initial CMC, and to make initial disclosures, will be moot.  
11 If the Court denies Defendants’ Motions, or grants them only in part, the parties will have a better  
12 understanding of what issues will need to be addressed in the initial disclosures, and be better able to  
13 assess a realistic pre-trial schedule at the initial CMC.

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15 Accordingly, the parties stipulate to the following schedule, subject to the Court’s approval:

16	February 27, 2009:	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Conference Statement
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18	March 6, 2009 at 10:30 a.m.	Initial Case Management Conference
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**IT IS SO STIPULATED**

DATED: \_\_\_\_\_.

HAGENS BERMAN SOBOL SHAPIRO LLP  
LAW OFFICE OF PETER B. FREDMAN

By \_\_\_\_\_  
Peter B. Fredman  
Attorneys for Plaintiffs Hugo Zaldana and Gary  
Guardineer, individually, and on behalf of all others  
similarly situated

DATED: \_\_\_\_\_.

REED SMITH LLP

By \_\_\_\_\_  
James M. Neudecker  
Marshall C. Wallace  
James M. Neudecker  
Attorneys for Defendant First American Title  
Company

DATED: \_\_\_\_\_.

BRYAN CAVE LLP

By \_\_\_\_\_  
Jennifer A. Jackson  
Robert E. Boone III  
Jennifer A. Jackson  
Attorneys for Defendant Countrywide Financial  
Corporation

DATED: \_\_\_\_\_.

K & L GATES LLP

By \_\_\_\_\_  
Matthew G. Ball  
Matthew G. Ball  
Attorneys for Defendant KB Home

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**ORDER**

Having considered the parties' stipulation continuing the initial Case Management Conference and Deadline to Make Initial Disclosures, and good cause appearing, the Court orders as follows:

1. The initial Case Management Conference is continued to March 6, 2009 at 10:30 a.m.
2. The parties' deadline to file a Rule 26(f) Report, complete initial disclosures or state their objection in a Rule 26(f) Report, and file a Case Management Conference Statement, is February 27, 2009.

**IT IS SO ORDERED**

DATED: December 11, 2008

  
The Honorable Maxine M. Chesney

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