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| 13 | UNITED STATES DISTRICT COURT  |   |
| 14 | NORTHERN DISTRICT OF CALIFORNIA   |   |
| 15 | NORTHERN DISTRIC  | TOT CALIFORNIA  |
| 16 |   |   |
| 17 | HUGO ZALDANA, individually, and on behalf of all others similarly situated,   | Case No. CV-08-3399 MMC   |
| 18 | Plaintiff,  | (Judge Maxine M. Chesney)   |
| 19 | v.  |   |
| 20 | KB HOME, a Delaware corporation; FIRST AMERICAN TITLE COMPANY, a California   | STIPULATION AND <del>[PROPOSED]</del><br>ORDER TO RESCHEDULE<br>SEPTEMBER 25, 2009 CASE |
| 21 | corporation; FIRST AMERICAN TITLE () INSURANCE COMPANY, a California  | MANAGEMENT CONFERENCE   |
| 22 | corporation; FIRST AMERICAN CORPORATION, a Delaware corporation;  |   |
| 23 | COUNTRYWIDE FINANCIAL  CORPORATION, a Delaware corporation;   |   |
| 24 | COUNTRYWIDE HOME LOANS, a Delaware  |   |
| 25 | corporation; COUNTRYWIDE MORTGAGE ) VENTURES, LLC; and COUNTRYWIDE KB ) HOME LOANS, an unincorporated association of) |   |
| 26 | unknown form.  Defendants.  |   |
| 27 | )   |   |
| 28 |   |   |
|    |   |   |

STIPULATION AND PROPOSED ORDER TO
RESCHEDULE CASE MANAGEMENT- NO. 08-cv-3399 MMC

1 **STIPULATION** 2 WHEREAS, this action was originally filed on July 15, 2008; 3 WHEREAS, Plaintiffs filed a Third Amended Complaint on or about September 1, 2009; 4 WHEREAS, pursuant to a Joint Stipulation entered as an Order of this Court on August 31, 5 2009 and by further agreement of the parties, responses to the Third Amended Complaint are due 6 on October 1, 2009. 7 WHEREAS, a hearing on any Motions to Dismiss the Third Amended Complaint is 8 currently scheduled for December 11, 2009. 9 WHEREAS, a Case Management Conference in this matter is currently scheduled for 10 September 25, 2009. 11 WHEREFORE, in the interest of judicial economy, the parties hereby agree and stipulate, 12 and request that the Court continue the Case Management Conference to December 11, 2009, the 13 date of the hearing on any Motions to Dismiss the Third Amended Complaint. The parties further 14 agree and request that the corresponding deadline to file a case management conference statement 15 be similarly continued. 16 /// 17 /// 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// /// 27 /// 28

| 1        | STIPULATION   |  |
|----------|---|--|
| 2        | IT IS SO STIPULATED.  |  |
| 3        |   |  |
| 4        | DATED: September 17, 2009 HAGENS BERMAN SOBOL SHAPIRO LLP                   |  |
| 5        | LAW OFFICE OF PETER B. FREDMAN  |  |
| 6        | By <u>/s/ Peter B. Fredman</u> Peter B. Fredman                             |  |
| 7        | Attorney for Plaintiff HUGO ZALDANA,  |  |
| 8        | individually, and on behalf of all others similarly situated                |  |
| 9        | DATED: September 17, 2009 REED SMITH LLP                                    |  |
| 10       | Ry /s/ James M. Neudecker   |  |
| 11       | By <u>/s/ James M. Neudecker</u> Marshall C. Wallace James M. Neudecker     |  |
| 12       | Attorneys for Defendants FIRST AMERICAN TITLE COMPANY, FIRST AMERICAN TITLE |  |
| 13       | INSURANCE COMPANY, and FIRST AMERICAN CORPORATION                           |  |
| 14       | AWLKICAN COKI OKATION   |  |
| 15       | DATED: September 17, 2009 BRYAN CAVE LLP                                    |  |
| 16       | By /s/ Bryan Recor  |  |
| 17       | By /s/ Bryan Recor<br>Robert E. Boone III<br>Jennifer A. Jackson            |  |
| 18       | Bryan Recor Attorneys for Defendants COUNTRYWIDE                            |  |
| 19       | FINANCIAL CORPORATION,<br>COUNTRYWIDE HOME LOANS,                           |  |
| 20       | COUNTRYWIDE MORTGAGE VENTURES,<br>L.L.C., and COUNTRYWIDE KB HOME           |  |
| 21       | LOANS   |  |
| 22       | DATED: September 17, 2009 K & L GATES LLP                                   |  |
| 23       | By/s/ Irene C. Freidel  |  |
| 24<br>25 | Irene C. Freidel Attorney for Defendant KB HOME                             |  |
| 26       |   |  |
|          |   |  |
| 27       |   |  |
| 28       |   |  |

ECF CERTIFICATION: Naoka E. Carey, the filer of this ECF Document, hereby certifies that the concurrence to this stipulation has been obtained by ECF registrants James M. Neudecker, Bryan Recor and Peter B. Fredman on behalf of their respective clients in this case. /s/ Naoka E. Carey Naoka E. Carey 

## <del>[PROPOSED]</del> ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefore, the January 22, 2010 September 25, 2009 Case Management Conference shall be continued to December 11, 2009. The corresponding deadline for the parties to serve their case management conference statement is similarly continued.

IT IS SO ORDERED

Dated: September 18, 2009

Hol. Maxine M. Chesney

United States District Court Judge