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8 Attorneys for Defendants, AMERICAN HOME MORTGAGE SERVICING, INC.
 9 AND MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12
 13 PETRA PEREZ, an individual) Case No.: C 12-00932 DMR

14)
 15 Plaintiff,)

16 vs.)

17 AMERICAN HOME MORTGAGE)
 18 SERVICING, INC.; MORTGAGE)
 19 ELECTRONIC REGISTRATION)
 20 SYSTEM, INC.; T.D. SERVICE)
 21 COMPANY and DOES 1-50, inclusive)

22 Defendants.)
 23)

24)
 25) **STIPULATION RE: ISSUANCE**
 26) **OF CASE MANAGEMENT**
 27) **ORDER AND ORDER**

28 **PLEASE TAKE NOTICE** that Plaintiff, PETRA PEREZ and Defendants,
 AMERICAN HOME MORTGAGE SERVICING, INC. AND MORTGAGE
 ELECTRONIC REGISTRATION SYSTEM, INC. stipulate and agree as follows:
WHEREAS,

1 1.1. On April 23, 2012, this court issued an Order granting Defendants
2 Motion to Dismiss and Vacated the Motion to Dismiss hearing set for
3 April 26, 2012, at 2:00 p.m., in Courtroom 8. (Dkt #21).

4 1.2. On April 23, 2012, the Clerk issued a Notice Rescheduling the
5 Hearing Time for the Case Management Conference to 3:00 p.m. (Dkt #22).

6 1.3. Counsel for Defendants is located in Newport Beach, California
7 which is more than 422 miles away.

8 1.4 Since this court previously denied Defendants' counsel's request for a
9 telephonic appearance (Dkt #19), flight arrangements were made based on the 2:00
10 pm hearing time.

11 1.5 Now that the hearing time has been move one hour later, Defense
12 Counsel is forced to incur a flight change fee as the return flight scheduled departs
13 at 4:56 pm. from San Francisco International Airport ("SFO"). Further, Defendants
14 would suffer an undue hardship to make a personal appearance because counsel is
15 essentially spending twelve (12) hours travelling (9:00am to 9:00 pm) for a Case
16 Management Conference that will likely take no more than 20 minutes.

17 1.6 On April 24, 2012, Defense Counsel filed a Request to Appear
18 Telephonically (Dkt #23).

19 1.7 On April 25, 2012, This Court issued an Order Denying the Request
20 to Appear by Telephone (Dkt#24) because the Court does not have adequate
21 equipment for a telephone conference. However, this Court advised that if both
22 sides stipulate, the Court will issue a case management order based solely on the
23 papers submitted and relieve counsel of the obligation to attend the conference.

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25 ///

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1 **NOW THEREFORE**, Plaintiff and Defendants STIPULATE to have this
2 Court issue a Case Management Order based solely on the papers submitted in lieu
3 of personally attending the conference.

4
5 **SO STIPULATED.**

6
7 Dated: April 25, 2012

LAW OFFICE OF WENDELL JONES

9
10 By: /s/Wendell J. Jones
11 Wendell J. Jones, Esq.
12 Attorneys for Plaintiff, Petra Perez

13
14
15 Dated: April 25, 2012

WRIGHT, FINLAY & ZAK, LLP

16 By: /s/ Nicole S. Dunn
17 Nicole S. Dunn, Esq.
18 Attorneys for Defendants, American
19 Home Mortgage Servicing, Inc. and
20 MERS, Inc.

21
22 SO ORDERED.

23
24 Dated: April 26, 2012.



1 **PROOF OF SERVICE**

2 I, Gretchen Grant, declare as follows:

3
4 I am employed in the County of Orange, State of California. I am over the age of
5 eighteen (18) and not a party to the within action. My business address is 4665
6 MacArthur Court, Suite 280, Newport Beach, California 92660. I am readily familiar
7 with the practices of Wright, Finlay & Zak, LLP, for collection and processing of
8 correspondence for mailing with the United States Postal Service. Such correspondence
9 is deposited with the United States Postal Service the same day in the ordinary course of
10 business.

11 On April 25, 2012, I served the within **STIPULATION RE: ISSUANCE OF**
12 **CASE MANAGEMENT ORDER** on all interested parties in this action as follows:

13 by placing the original a true copy thereof enclosed in sealed
14 envelope(s) addressed as follows:

15 Wendell J. Jones, Esq. 1901 S. Bascom Ave., Suite 333 Campbell, CA 95008	<i>Attorneys for Plaintiff</i> PETRA S. PEREZ Tel: (408) 371-7589
16 Richard S. Stone, Esq. 1900 S. Norfolk Street, Suite 350 San Mateo, CA 94403	<i>Attorneys for Defendant</i> T.D. SERVICE COMPANY Tel: (650) 242-8781

17 (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed on
18 this date following ordinary business practices.

19 (BY OVERNITE EXPRESS - NEXT DAY DELIVERY) I placed true and correct
20 copies of thereof enclosed in a package designated by Federal Express with the
21 delivery fees provided for.

22 (FEDERAL) I declare under the penalty of perjury under the laws of the United
23 States of America that the foregoing is true and correct.

24 Executed on April 25, 2012, at Newport Beach, California.

25
26 

27 Gretchen Grant