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 13 for Home Savings of America

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOME SAVINGS OF AMERICA, a
 federal savings and loan association,

Plaintiff,

v.

EMELITA FELIPE, an individual,
 ANGELITO REYES, an individual d/b/a
 STREAMLINE APPRAISALS; CAL
 COAST FINANCIAL CORPORATION,
 a corporation doing business in
 California and DOES 1-20,

Defendants.

CASE NO. CV 12-01419-LB

[Magistrate Judge Laurel Beeler
 Presiding]

Cal. Sup. Ct. Case No.:
 RG11567893

**SECOND STIPULATION TO
 MODIFY CASE MANAGEMENT
 ORDER; ~~PROPOSED~~ CASE
 MANAGEMENT ORDER**

IT IS HEREBY STIPULATED AS FOLLOWS:

WHEREAS, on October 15, 2012, the Court entered the Case Management Order, setting the pre-trial schedule with a trial date for March 24, 2014 and an ADR Completion Date for November 9, 2012;

WHEREAS, the Court informed counsel that if any party were unable to comply with that date, that it should seek relief from this Court;

SECOND STIPULATION TO MODIFY CASE MANAGEMENT SCHEDULE AND
~~PROPOSED~~ CASE MANAGEMENT ORDER

1 WHEREAS, on November 14, 2012, after a meet and confer, the Parties
2 stipulated to continue the ADR Completion Date to February 8, 2013 (*see* Dkt. 31),
3 which this Court granted (*see* Dkt. 32);

4 WHEREAS, on or about January 29, 2013, FDIC learned that, due to a
5 conflicting FDIC event, its two appointed representatives assigned to this case would
6 no longer be able to attend the previously scheduled February 4, 2013 mediation date
7 agreed to by the Parties;

8 WHEREAS, that same day, FDIC's counsel immediately informed all other
9 counsel and the mediator, Mr. Peter A. Mankin, Esq. of Sheldon & Mankin of the
10 need for a brief continuance;

11 WHEREAS, the Parties have met and conferred with each other, as well as
12 their selected mediator, Mr. Peter Mankin, regarding a new mediation date, and have
13 confirmed **February 20, 2013** as a date agreeable to all parties;

14 WHEREAS, the Parties have therefore agreed to modification of the pretrial
15 schedule to accommodate FDIC's conflicts;

16 WHEREAS, the Parties also seek to continue the dates related to the Further
17 Case Management Conference to occur following mediation;

18 WHEREAS, the Parties' agreed-upon modification of the pretrial schedule
19 does not affect the March 24, 2014 trial date;

20 WHEREAS, the Parties agree that except for the change of dates herein, all
21 terms of the October 15, 2012 Case Management Order remains in effect.

22 NOW, THEREFORE, the Parties STIPULATE and AGREE to the following
23 pretrial schedule:
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<u>Case Event</u>	<u>Filing Date / Disclosure Deadline / Hearing Date</u>
Date to seek leave to add new parties or amend the pleadings	11/12/2012
Updated Joint Case Management Conference Statement	3/1/2013
Further Case Management Conference: Court to discuss a June, 2013 trial date	3/8/2013 at 10:30 a.m.
ADR completion date	2/22/2013
Non-expert discovery completion date	4/26/2013
Expert disclosures required by Federal Rules of Civil Procedure	3/10/2013
Rebuttal expert disclosures	5/24/2013
Expert discovery completion date	6/4/2013
Last hearing date for dispositive motions and/or further case management conference	5/8/2013, at 11:00 a.m.
Meet and confer re pretrial filings	2/11/2014
Pretrial filings due	2/20/2014
Oppositions, Objections, Exhibits, and Depo Designations due	2/27/2014
Final Pretrial Conference	3/13/2014, at 10:30 a.m.
Trial (5 Days)	3/24/2014, at 8:30 a.m.

WHEREAS, in the alternative, if this Court deems that a continuation of the dates of (1) the deadline to file the Further Case Management Conference Statement, and (2) the Further Case Management Conference, is unnecessary, than the Parties respectfully request that the only ADR Completion Date be continued to February 22, 2013.

1 DATED: February 8, 2013

JONATHAN MJENKINS & ASSOCIATES

2 By /s/ Regina Y. Yeh

3 Regina Y. Yeh
4 Counsel for Plaintiff FDIC, as Receiver for
5 Home Savings of America

6 DATED: February 8, 2013

GELLER & ASSOCIATES

7 By /s/ Steven Geller

8 Steven Geller
9 Counsel for Defendant Angelito Reyes,
10 individually, and dba Streamline Appraisals

11 DATED: February 8, 2013

LAW OFFICES OF DAVID G.
FINKELSTEIN

12 By

13 Marc D. Bender
14 Counsel for Defendant Cal Coast Financial
15 Corporation

16 PURSUANT TO STIPULATION, IT IS SO ORDERED:

17 The Case Management Order is hereby modified as follows:

- 18 1. The ADR Completion Date is hereby from February 8, 2013 to **February**
- 19 **22, 2013**;
- 20 2. The date to file the Joint Further Case Management Conference Statement
- 21 is continued from February 14, 2013 to **March 1, 2013**; and
- 22 3. The Further Case Management Conference is continued from February 21,
- 23 2013 to **March 8, 2013** at 10:30 a.m. in Courtroom C, 15th Floor.

24 SO ORDERED.

25 Date: February 11, 2013

By

26 
27 THE HONORABLE LAUREL BEELER
28 United States Magistrate Judge Presiding