

1 Matthew C. Helland, CA State Bar No. 250451  
 2 helland@nka.com  
 3 NICHOLS KASTER, LLP  
 4 One Embarcadero Center, Suite 720  
 5 San Francisco, CA 94111  
 6 Telephone: (415) 277-7235  
 7 Facsimile: (415) 277-7238

8 Rebekah L. Bailey, CA State Bar No. 258551  
 9 E. Michelle Drake, MN Bar No. 0387366\*  
 10 Kai Richter, MN Bar No. 0296545\*  
 11 Sarah W. Steenhoek, MN Bar No. 0390258\*  
 12 \*(admitted pro hac vice)  
 13 NICHOLS KASTER, PLLP  
 14 4600 IDS Center  
 15 80 South 8th Street  
 16 Minneapolis, MN 55402  
 17 Telephone: (612) 256-3200  
 18 Facsimile: (612) 215-6870

19 Attorneys for Plaintiff and the Putative Classes

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN FRANCISCO DIVISION

23 STEPHEN ELLSWORTH, as an individual  
 24 and as a Representative of the classes and on  
 25 behalf of the general public,

26 Plaintiff,

27 v.

28 U.S. BANK, N.A. and American Security  
 Insurance Company,

Defendants.

Case No. 3:12-cv-02506-LB

**STIPULATED REQUEST FOR  
 ORDER CHANGING DATE OF CASE  
 MANAGEMENT CONFERENCE  
 ORDER**

**[CIVIL L.R. 6-2 AND 16-2(E)]**

1 Pursuant to Local Rules 6-2 and 16-2(e), Plaintiff Stephen Ellsworth (“Plaintiff”), on  
2 behalf of himself and all others similarly situated, and Defendants U.S. Bank, National  
3 Association (“U.S. Bank”), and American Security Insurance Company (“ASIC”) through their  
4 undersigned counsel, respectfully request that the Court adjust the date of the upcoming Case  
5 Management Conference (“CMC”), which is currently scheduled for September 20, 2012 at 10:30  
6 a.m.

7 Plaintiff suggests that the CMC be rescheduled to September 19, 2012 at 10:30 a.m. (the  
8 same time as the hearing on U.S. Bank’s pending motion to compel arbitration). The Court has  
9 already changed the hearing date on U.S. Bank’s motion to compel arbitration from September 20  
10 to September 19 in order to allow counsel for all parties to appear before the MDL Panel on  
11 September 20, 2012 in connection with a pending motion to transfer this action and other actions  
12 to a proposed MDL proceeding. *See* ECF No.48. Plaintiff believes that it would be most  
13 efficient to move the CMC to the same date as the motion to compel hearing, and will allow  
14 counsel for all parties to attend both the proceedings before this Court and the hearing before the  
15 MDL Panel.

16 Defendants do not believe that it would be productive, or a good use of the Court’s time,  
17 to conduct a CMC at this time. U.S. Bank has moved to compel arbitration, and ASIC intends to  
18 move to dismiss the complaint on August 31, 2012. Defendants suggest deferring the CMC until  
19 each of these issues has been resolved. However, in the event that the Court decides to schedule  
20 the CMC before the motions to compel and to dismiss are decided, Defendants are available on  
21 September 19, 2012 at 10:30 a.m., provided that some of their counsel may appear telephonically.  
22 Defendants do not object to moving the hearing date from the current date (September 20, 2012)  
23 in light of the pending MDL motion.  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: August 30, 2012

By: /s/Kai H. Richter  
KAI H. RICHTER (*Pro Hac Vice*)  
NICHOLS KASTER, PLLP  
4600 South 8th Street  
Minneapolis, MN 55402  
Attorney for Plaintiff

Dated: August 30, 2012

By: /s/James R. McGuire  
JAMES R. MCGUIRE  
MORRISON & FOERSTER, LLP  
425 Market Street  
San Francisco, CA 94105  
Attorney for U.S. Bank

Dated: August 30, 2012

By: /s/Peter S. Hecker  
PETER S. HECKER  
SHEPPARD MULLIN RICHTER &  
HAMPTON, LLP  
Four Embarcadero Center Seventeenth Floor  
San Francisco, CA 94111  
Attorney for American Security Insurance  
Company

Date: August 31, 2012

