

1 ROCKRIDGE TRUST
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

9 ROCKRIDGE TRUST, a California Trust,
 10 and RAY K. SHAHANI, TRUSTEE, an
 11 Individual,

Plaintiffs,

vs.

13 WELLS FARGO NA, a South Dakota
 14 corporation, BANK OF AMERICA NA, a
 15 North Carolina corporation, FIRST
 16 AMERICAN TRUSTEE SERVICING
 17 SOLUTIONS LLC, a Texas corporation,
 18 FIRST AMERICAN LOANSTAR TRUSTEE
 19 SERVICES LLC, a Texas corporation, and
 20 DOES 1-25.

Defendants.

Case No: C 13-01457 JCS

Hon. Magistrate Judge Joseph C. Spero

STIPULATION TO CONTINUE
 MEDIATION DEADLINES PURSUANT
 TO CIVIL LOCAL RULE 6-2(A)

Trial Date: October 16,2014

21 Pursuant to Civil Local Rules 6-2 and 7-12, the parties now file a joint stipulated request
 22 for an extension of this Court's deadline to complete mediation of this action. The parties
 23 stipulate to complete mediation by June 30, 2014.

24 After conferring with the assigned court-appointed mediator, it has become apparent to
 25 the parties that mediation at this time would not result in a resolution of this matter, due to only
 26 recent settlement of the pleadings and the vast differences in Plaintiffs' and Defendants'
 27 settlement positions.

28 In addition, at the last Case Management Conference held on Friday, February 7, 2014,
 counsel for defendants Bank of America and Wells Fargo represented to the Court that it is

1 unlikely the case will settle until after a motion for summary judgment can be heard. The current
2 dispositive motion hearing cut-off date is June 6, 2014. Defendants Bank of America and Wells
3 Fargo anticipate filing a motion for summary judgment in late April of 2014. However, the
4 current mediation date is March 14, 2014.

5 Finally, as plaintiff has pointed out, preparation of updated mediation statements take
6 considerable time and resources. Since the case is not yet ready for settlement, that time and
7 those resources would be better spent completing discovery in order to prepare pleadings for the
8 motion for summary judgment.

9 Thus, to avoid fruitless use of the court-appointed mediator's time, Plaintiff Rockridge
10 Trust requests to continue the mediation to a date after the deadline for dispositive motion
11 hearing that can be heard by this Court, when the parties can make a more informed decision as
12 to the settlement value of the case.

13 Defendants do not object to Plaintiff's request, and have entered into this stipulation. The
14 hearing date on the motions to dismiss under FRCP Rule 12(b)(6) filed by all defendants was
15 scheduled for February 7, 2014, but was vacated by the Court and to date there has been no Order
16 regarding the said motions to dismiss. The parties and the mediator are all available for a
17 mediation, which will occur on June 19, 2014, and the parties and the mediator will finalize the
18 location of the mediation in due course well in advance of the proposed June 19 mediation date.
19 The parties wish to continue the mediation deadline to June 30, 2014 in order to accommodate
20 any last-minute scheduling issues that could interfere with the planned June 19th mediation.
21 Defendants Wells Fargo Bank, N.A., Bank of America, N.A., and First American Trustee do not
22 oppose this continuance and join in this stipulation. L.R. 6-2(a)(1).

23 While Plaintiffs and Defendants have entered into several stipulations to extend response
24 times to pleadings and motions in order to mutually accommodate each other's schedules, this is
25 the second stipulation to continue mediation. However, given the early stage of this litigation,
26 i.e., the pleadings will be settled forthwith, it is anticipated that this one further extension of the
27 mediation date will be sufficient to allow the parties to proceed to settlement of this dispute. L.R.
28 6-2(a)(2).

1 This change will not have any effect on the schedule of this case. L.R. 6-2(a)(2). The
2 litigation and motion schedule for this case will be unaffected by a change in the mediation date,
3 especially since a mediation completed by the current deadline of March 30, 2014, will not result
4 in a settlement. The parties wish to extend time to complete mediation due to their desire to use
5 their court-appointed mediator's time in the most efficient way possible, and to maximize the
6 chances of settling this matter.

7 Respectfully submitted,

8
9 Dated: February 11, 2014

/s/ Ray K. Shahani

10 By:
11 Ray K. Shahani, Trustee, Rockridge Trust
12 In Pro Per

13 Dated: February 11, 2014

SEVERSON & WERSON

/s/ Maria Schindler

14 By:
15 Maria Schindler
16 Attorney for Wells Fargo NA, Bank of America NA

17 Dated: February 11, 2014

LAW OFFICES OF GLENN H. WECHSLER

/s/ Lawrence D. Harris

18 By:
19 Lawrence D. Harris
20 Attorney for First American

21 I, Ray K. Shahani, am the ECF user whose identification and password are being used to file this
22 stipulation. I hereby attest that Maria Schindler and Lawrence Harris have concurred in this
23 filing.

24 /s/ Ray K. Shahani

25 Dated: 2/12/14

