

1 MARGERY Q. LEE (SBN 096824)
 WILLIAM S. FISKE (SBN 246099)
 2 1855 Gateway Boulevard, Suite 600
 Concord, CA 94520
 3 Tel: (925) 935-5599
 Fax: (925) 934-0506
 4 wfiske@nat.com

5 Attorneys for Defendant
 North American Title Insurance Company

6
 7 UNITED STATES DISTRICT COURT
 8
 9 NORTHERN DISTRICT OF CALIFORNIA

10 RONALD PADILLA,)	CASE NO.: 3:13-cv-02241-MMC
)	
11 Plaintiff,)	
)	STIPULATION CONCERNING THE
12 vs.)	PLEADINGS, INITIAL CASE
)	MANAGEMENT CONFERENCE, AND
13 BANK OF AMERICA, N.A., et al.,)	RELATED DEADLINES;
)	
14 Defendants.)	AND
)	
)	[PROPOSED] ORDER
)	
)	[L.R. 6-2 and 7-12]
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22 The below-identified parties, by and through their counsel of record, submit the
 23 following Recitals, Stipulation, and proposed form of Order pursuant to Local Rules 6-
 24 2(a) and 7-12.

25 **RECITALS**

26 WHEREAS, Plaintiff RONALD PADILLA (“Plaintiff”) filed the instant *qui tam* action
 27 under seal as *pro se* on May 16, 2013;

1 WHEREAS, the Court's orders of May 16, 2013 and August 13, 2013, respectively,
2 scheduled the initial Case Management Conference and ADR deadlines during the period of time
3 that the above-titled action was sealed;

4 WHEREAS, the federal government's Notice of Election to Decline Intervention was
5 filed on August 22, 2013;

6 WHEREAS, an order to unseal the above-titled action was filed on August 29, 2013;

7 WHEREAS, Plaintiff's attorney substituted in as counsel of record for Plaintiff by order
8 entered and filed on November 1, 2013;

9 WHEREAS, the Court ordered on November 12, 2013 that the initial Case Management
10 Conference then scheduled for November 15 be continued to February 21, 2014 so that Plaintiff
11 could serve the unsealed Complaint and Summons in the interim;

12 WHEREAS, the Summons was filed on December 11, 2013;

13 WHEREAS, Defendant, NORTH AMERICAN TITLE INSURANCE COMPANY
14 ("NATIC") and Plaintiff agreed on January 2, 2014, pursuant to Local Rule 6-1(a), to extend
15 NATC's time for filing a responsive pleading to the Complaint to January 31, 2014, as
16 confirmed by that Stipulation filed on January 2, 2014 pursuant to Local Rule 5;

17 WHEREAS, Defendants BANK OF AMERICA (wrongly sued as successor to
18 COUNTRYWIDE FINANCIAL CORPORATION), COUNTRYWIDE FINANCIAL, INC.,
19 CWALT, INC. and THE BANK OF NEW YORK (collectively "Bank Defendants"), filed a
20 motion to dismiss the Complaint on January 3, 2014 pursuant to Federal Rule of Civil Procedure,
21 Rules 8(a), 9(b), and 12(b)(6), which is set for hearing on February 14, 2014;

22 WHEREAS, also set for February 14, 2014 is the parties' last day to file a Rule 26(f)
23 report, complete initial disclosures or state objection in Rule 26(f) report, and file a Case
24 Management Statement, pursuant to that order filed May 16, 2013 (as modified by Orders of
25 August 13 and November 12);

26 WHEREAS, because the *pro se*-drafted Complaint fails to include factual allegations
27 directed to each named defendant in the body of the Complaint and the only claim for relief
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1 (False Claims Act) is stated without facts, which defects render the parties' completion of initial
2 disclosures and a Rule 26(f) report extremely difficult, if not impossible;

3 WHEREAS, counsel of record for Plaintiff intends to file a First Amended Complaint in
4 response to the Bank Defendants' motion to dismiss and for other reasons; and

5 WHEREAS, counsel for the above-referenced Defendants, respectively, do not object to
6 replacing the *pro se*-drafted Complaint with a First Amended Complaint (without waiving any
7 objections or rights with respect to the new pleading, which defense counsel have not yet seen),

8 The parties identified herein, by and through their counsel of record, stipulate pursuant to
9 Local Rule 6-2(a) and agree to entry of an order providing that:

- 10 1. Plaintiff shall file and serve a First Amended Complaint by January 24, 2014;
- 11 2. All responsive pleading deadlines regarding the Complaint shall be tolled until
12 Plaintiff timely files a First Amended Complaint pursuant to order of the Court;
- 13 3. The Bank Defendants' motion to dismiss directed to the Complaint shall be deemed
14 denied without prejudice as moot upon Plaintiff's timely filing and service of a First
15 Amended Complaint pursuant to order of the Court;
- 16 4. If Plaintiff fails to timely file and serve a First Amended Complaint pursuant to order
17 of the Court, the Bank Defendants' motion to dismiss will remain on calendar as
18 scheduled and NATIC's responsive pleading shall be deemed a joinder in and to the
19 Bank Defendants' motion to dismiss, with NATIC being required to file and serve
20 notice of said joinder and a proposed form of order by January 31, 2014;
- 21 5. All responsive pleadings to any timely filed and served First Amended Complaint
22 shall be filed and served no later than fifteen (15) business days following service of
23 the First Amended Complaint;
- 24 6. The Initial Case Management Conference shall be continued to Friday, April 18, 2014
25 in Courtroom 7, 19th Floor at 10:30 a.m., and all other deadlines related thereto (as
26 identified in the May 16, 2013 order filed as Docket No. 2) be continued accordingly.

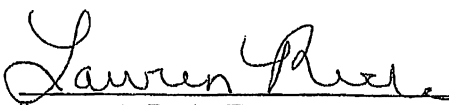
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IT IS SO AGREED:

Dated: January 9, 2014



Lauren A. Rode, Esq.
CONSUMER ACTION LAW GROUP, P.C.
Attorneys for Plaintiff RONALD PADILLA

Dated: January __, 2014

David E. Pinch, Esq.
SEVERSON & WERSON
Attorneys for Defendants BANK OF AMERICA
(wrongly sued as successor to COUNTRYWIDE
FINANCIAL CORPORATION),
COUNTRYWIDE FINANCIAL, INC., CWALT,
INC. and THE BANK OF NEW YORK

Dated: January __, 2014

William S. Fiske, Esq.
Attorneys for Defendant NORTH AMERICAN
TITLE INSURANCE COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: _____

1 **IT IS SO AGREED:**

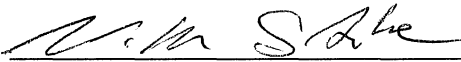
2
3 Dated: January __, 2014

4 _____
Lauren A. Rode, Esq.
CONSUMER ACTION LAW GROUP, P.C.
Attorneys for Plaintiff RONALD PADILLA

5
6
7 Dated: January 9, 2014

8 _____
/s/ David E. Pinch
David E. Pinch, Esq.
SEVERSON & WERSON
Attorneys for Defendants BANK OF AMERICA
9 (wrongly sued as successor to COUNTRYWIDE
10 FINANCIAL CORPORATION),
11 COUNTRYWIDE FINANCIAL, INC., CWALT,
12 INC. and THE BANK OF NEW YORK

13
14 Dated: January 10, 2014

15 _____

William S. Fiske, Esq.
Attorneys for Defendant NORTH AMERICAN
16 TITLE INSURANCE COMPANY

17
18 **ORDER**

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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22 **Date:** January 10, 2014

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