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10 Attorneys for Defendant  
 11 U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR  
 12 IN INTEREST TO THE FEDERAL DEPOSIT INSURANCE  
 13 CORPORATION AS RECEIVER FOR DOWNEY SAVINGS  
 14 AND LOAN ASSOCIATION, F.A.

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 MARSHAL ROTHMAN  
 18 Plaintiff,

19 vs.

20 U.S. BANK NATIONAL ASSOCIATION  
 21 & OLD REPUBLIC DIVERSIFIED  
 22 SERVICES, INC. d/b/a OLD REPUBLIC  
 23 DEFAULT MANagements SERVICES  
 24 Defendants.

Case No: 3:13-cv-03381-MMC

**SECOND STIPULATION AND AMENDED  
~~PROPOSED~~ ORDER MODIFYING  
 PRETRIAL PREPARATION ORDER\***

Complaint Filed: July 19, 2013

25 \*The sole amendment is to correct a typographical error as to the date of the Pretrial Conference.

1 Defendant, U.S. Bank National Association, Successor in Interest to the Federal Deposit  
 2 Insurance Corporation as Receiver for Downey Savings and Loan Association, F.A.  
 3 (“U.S. Bank”) and Plaintiff, Marshal Rothman (“Plaintiff”) (collectively, the “Parties”), through  
 4 the undersigned counsel hereby stipulate and agree as follows:

5 1. On May 30, 2014, this Court entered a Pretrial Preparation Order. [Docket  
 6 No. 74.]

7 2. On November 03, 2014, this Court entered an Order Amending the Pretrial  
 8 Preparation Order (the “Amended Pretrial Order”). [Docket No. 97] The Amended Pretrial  
 9 Order provided the following schedule:

<u>Event</u>	<u>New Deadline</u>
• Non-Expert Discovery Cutoff	February 5, 2015
• Designation of Opening Experts	February 26, 2015
• Designation of Rebuttal Experts	March 13, 2015
• Expert Discovery Cutoff	April 6, 2015
• Status Conference Statement Due	April 3, 2015
• Status Conference	April 10, 2015 at 10:30 a.m.
• Deadline to File Dispositive Motions	April 24, 2015 (noticed for hearing 35 days afterward)
• Pretrial Conference	July 14, 2015 at 3:00 p.m.
• Trial Date:	July 27, 2015
• Trial Length	7 to 10 days

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22 3. On December 19, 2013, this Court entered an order granting leave to Plaintiff to  
 23 file a First Supplemental Complaint no later than December 29, 2014 and directing the Parties to  
 24 meet and confer to discuss any changes, if necessary, to the current pretrial and/or trial schedule.  
 25 [Docket No. 115.]

26 4. The Parties met and conferred and agreed to the following changes to the  
 27 pretrial/trial schedule:  
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<u>Event</u>	<u>New Deadline</u>
• Non-Expert Discovery Cutoff	March 27, 2015
• Designation of Opening Experts	April 17, 2015
• Designation of Rebuttal Experts	May 4, 2015
• Expert Discovery Cutoff	June 6, 2015
• Status Conference Statement Due	June 12, 2015
• Status Conference	June ___, 2015 at 10:30 a.m.
• Deadline to File Dispositive Motions	June 26, 2015 (noticed for hearing 35 days afterward)
• Pretrial Conference	<i>To be determined by Court</i>
• Trial Date:	<i>To be determined by Court</i>
• Trial Length	7 to 10 days
• SETTLEMENT CONFERENCE shall be held before Magistrate Judge Nathanael Cousins and scheduled to take place no later than 30 days prior to the Pretrial Conference.	

All other dates set forth in the Amended Pretrial Order shall remain the same.

**THE FOREGOING IS STIPULATED AND AGREED TO BY:**

Dated: December 24, 2014	GAW   POE LLP  By: <u>                    <i>Randolph Gaw</i>                    </u> Randolph Gaw  Attorneys for Plaintiff MARSHAL ROTHMAN
Dated: December 24, 2014	NOSSAMAN LLP  By: <u>                    <i>Robert S. McWhorter</i>                    </u> Robert S. McWhorter  Attorneys for Defendant U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST TO THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER FOR DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.

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**ORDER**

PURSUANT TO STIPULATION, ~~IT IS SO ORDERED~~. THE PRETRIAL/TRIAL SCHEDULE SHALL BE MODIFIED AS FOLLOWS:

Event	New Deadline
<input type="checkbox"/> Non-Expert Discovery Cutoff	March 27, 2015
<input type="checkbox"/> Designation of Opening Experts	April 17, 2015
<input type="checkbox"/> Designation of Rebuttal Experts	May 4, 2015
<input type="checkbox"/> Expert Discovery Cutoff	June 6, 2015
<input type="checkbox"/> Status Conference Statement Due	June 12, 2015
<input type="checkbox"/> Status Conference	June 19, 2015 at 10:30 a.m.
<input type="checkbox"/> Deadline to File Dispositive Motions	June 26, 2015 (noticed for hearing 35 days afterward)
<input type="checkbox"/> Pretrial Conference	September 15, 2015 at 3:00 p.m.
<input type="checkbox"/> Trial Date	September 28, 2015
<input type="checkbox"/> SETTLEMENT CONFERENCE shall be held before Magistrate Judge Nathaniel Cousins and scheduled to take place no later than 30 days prior to the Pretrial Conference.	

All other dates set forth in the Amended Pretrial Order shall remain the same.

Dated: January 6, 2015

  
U.S. District Court Judge