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6 Attorneys for Defendant  
 7 U.S. BANK NATIONAL ASSOCIATION, SUCCESSOR  
 IN INTEREST TO THE FEDERAL DEPOSIT INSURANCE  
 8 CORPORATION AS RECEIVER FOR DOWNEY SAVINGS  
 AND LOAN ASSOCIATION, F.A.  
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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

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 14 MARSHAL ROTHMAN  
 15 Plaintiff,  
 16 vs.  
 17 U.S. BANK NATIONAL ASSOCIATION  
 & OLD REPUBLIC DIVERSIFIED  
 18 SERVICES, INC. d/b/a OLD REPUBLIC  
 DEFAULT MANagements SERVICES  
 19 Defendants.  
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Case No: 3:13-cv-03381-MMC

**STIPULATION; ORDER DENYING  
 STIPULATION; ORDER SETTING  
 STATUS CONFERENCE**

Complaint Filed: July 19, 2013  
 Trial Date: June 22, 2015

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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.] The Pretrial Preparation Order imposed the following deadlines:

<u>Event</u>	<u>Deadline</u>
• Non-Expert Discovery Cutoff	January 5, 2015
• Designation of Opening Experts	January 26, 2015
• Designation of Rebuttal Experts	February 13, 2015
• Expert Discovery Cutoff	March 6, 2015
• Further Status Conference Statement	March 6, 2015
• Further Status Conference	March 13, 2015 at 10:30 a.m.
• Deadline to File Dispositive Motions	March 20, 2015
• Meet and Confer	May 4, 2015
• Settlement Conference	<i>No later than 30 days prior to Pretrial Conference</i>
• Pretrial Conference	June 9, 2015 at 3:00 p.m.

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19 2. The Parties now seek to modify the Pretrial Preparation Order. Good cause exists  
20 given that counsel for U.S. Bank was recently substituted into the case in late August 2014, the  
21 lead contact at U.S. Bank that was handling the case is no longer employed by U.S. Bank, the  
22 lead associate that was handling the case left her position in September 2014, and the lead partner  
23 was unavailable because he was unexpectedly married in late September 2014 due to personal  
24 circumstances, and was on his honeymoon during the first week of October 2014. The parties  
25 have begun negotiations to explore an amicable resolution of this case. As such, U.S. Bank  
26 requested multiple extensions on discovery and Plaintiff accommodated. Given the foregoing,  
27 and because the Parties agree that Plaintiff should not be prejudiced due to his courtesy, the  
28 Parties agree to amend the Pretrial Preparation Order and extend the deadlines as follows:



1           Accordingly, the stipulation is hereby DENIED and the Court hereby SETS a status  
2 conference for October 31, 2014, at 10:30 a.m., at which time the parties shall be prepared to  
3 show good cause for any modification of the Court's Pretrial Preparation Order. Alternatively, if  
4 the parties do not anticipate the need for expert declarations either to support or oppose summary  
5 judgment, the parties may resubmit for approval, no later than October 24, 2014, the stipulation  
6 set forth in their October 15, 2014 filing.

7           **IT IS SO ORDERED.**

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9 Dated: October 17, 2014

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U.S. District Court Judge

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