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4	Attorney for Defendant				
5	NATIONSTAR MORTGAGE LLC doing business as CHAMPION MORTGAGE COMPANY,				
6	erroneously sued as CHAMPION MORTG	AGE COMPANY			
7					
8	UNITED STATES	S DISTRICT COURT			
9	NORTHERN DISTR	RICT OF CALIFORNIA			
10					
11	WILLIE YORK,	) CASE NO. 14-CV-02471 RS			
12	Plaintiff,	<ul> <li>Assigned to U.S. District Judge:</li> <li>Judge Richard Seeborg</li> </ul>			
13	VS.	) STIPULATION TO EXTEND			
14	BANK OF AMERICA, CHAMPION	) DISCOVERY CUT-OFF; MEMORANDUM IN SUPPORT; AND			
15	MORTGAGE, et al.,	) ( <b>PROPOSED</b> ] ORDER			
16	Defendant.				
17		) Trial: March 19, 2018 )			
18		)			
19					
20	Dumment to Esderel Dula of Civil	Dropoduro 16(h)(4) and Northern District of Colifernia Circ			
21		Procedure 16(b)(4) and Northern District of California Civ.			
22	L.K. 0.1(b) and 0.2, Plaintiffs WILLIE	YORK and CAROLYN YORK MILES ("Plaintiffs") and			

L.R. 6.1(b) and 6.2, Plaintiffs WILLIE YORK and CAROLYN YORK MILES ("Plaintiffs") and Defendants NATIONSTAR MORTGAGE LLC doing business as CHAMPION MORTGAGE COMPANY, erroneously sued as CHAMPION MORTGAGE; BANK OF AMERICA, N.A.; REVERSE MORTGAGES OF CALIFORNIA, INC.; THOMAS PERKINS and SURETY BONDING COMPANY OF AMERICA (collectively "Parties") by their respective undersigned counsel respectfully jointly stipulate and hereby request that the current discovery deadline of October 20, 2017, set forth in the Case Management Scheduling Order of August 3, 2017 (Doc. 213), be extended to November 22,

2017, for good cause to permit the parties to continue focusing on settlement discussions and to avoid 2 incurring additional expenses associated with pending discovery while settlement discussions are 3 ongoing.

The requested extension of discovery-related deadlines will not affect any of the other dates set in the case, including the trial date (3/19/18) and the hearing date (12/7/17) on the pending motions for summary judgment. This is the parties' third request for an extension of time in this matter regarding the discovery deadline.

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### **MEMORANDUM IN SUPPORT**

I.

## **PROCEDURAL HISTORY**

In its Case Management Scheduling Order of August 3, 2017 ("scheduling order") (Doc. 213), this Court confirmed an agreement among the parties to extend the discovery cut-off date to October 20, 2017, which remains the current cut-off date. Since the scheduling order was issued, the parties have been engaged in still-ongoing settlement discussions, both directly with each other and with the assistance of Tamara Lange, mediator. During such time, the parties have deferred expert witness depositions and completing outstanding written discovery in an effort to avoid both the expense necessarily involved in such discovery, and the obstacle to settlement presented by the incurring of such expense.

The scheduling order anticipated and allowed for further extension of the discovery cut-off ["Should [the parties] agree to any further extension of the cut-off, the parties are to file a stipulation prior to that date"]. (Dkt 213 1:17-18)

The parties have agreed to an extension of the discovery cut-off to November 22, 2017, and submit this joint stipulation requesting the Court to approve the extension.

### II. LEGAL STANDARD

Pursuant to Fed. R. Civ. P. 16(b)(4), a schedule may be modified for good cause and with the judge's consent. The primary measure of Rule 16's 'good cause' standard is the moving party's diligence in attempting to meet the case management order's requirements. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. Sep. 14, 1992).

III.	ARGUMENT
111.	ANOUNDINI

Good cause exists to extend the discovery cut-off an additional thirty days (approximately). Mindful of the Court's admonition that this "is a case that should settle," the parties have engaged in extensive and still-ongoing settlement discussions, while attempting to limit litigation expenses by deferring the taking of expert witness depositions and drafting of responses to outstanding written discovery among the parties.

The discovery cut-off date should be extended to November 22, 2017, to allow the parties to continue settlement talks and to attempt to limit litigation expenses that would be avoided entirely in the event the parties reach an agreement to settle this matter.

The parties, therefore, stipulate and request the Court to extend the discovery cut-off to November 22, 2017, to allow the parties to continue settlement talks and allow time for the taking of expert witness depositions and completion of written discovery in the event that a settlement is not reached.

Respectfully submitted,¶

# LAW OFFICES OF ROBERT KANE

DATED: October 19, 2017

DATED: October 19, 2017

By: <u>/s/Robert F. Kane</u> ROBERT F. KANE Attorneys for Plaintiffs WILLIE YORK and CAROLYN YORK MILES

## MCGUIREWOODS LLP

By: <u>/s/Alison Lippa</u> ALISON V. LIPPA Attorneys for Defendant BANK OF AMERICA, N.A.

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1	DATED: October 19, 2017	LAW OFFICES OF JOHN L. FALLAT	
2			
3		By: <u>/s/ Timothy J. Tomlin</u> TIMOTHY J. TOMLIN	
4		Attorneys for Defendant SURETY BONDING COMPANY OF AMERICA.	
5			
6	DATED: October 19, 2017	DOYLE & FORTUNE	
7		By: <u>/s/ David D. Doyle</u>	
8		David D. Doyle Counsel for Defendants REVERSE MORTGAGES OF	
9		CALIFORNIA, INC. and THOMAS PERKINS	
10			
11	DATED: October 19, 2017	LAW OFFICES OF GLENN H. WECHSLER	
12		By: /s/ Jeffrey S. Nelson*	
13		JEFFREY S. NELSON Attorneys for Defendant NATIONSTAR MORTGAGE LLC doing business as CHAMPION MORTGAGE	
14		COMPANY, erroneously sued as CHAMPION	
15		MORTGAGE	
16			
17	*I hereby attest that I have received authorization to provide any signatures indicated by a "conformed" signature (/s/) within this e-filed document and that such authorizations are available for inspection upon		
18	request.		
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28	Stipulation to Extend Discovery Cut-Off; Order thereon		
	Case No. 14-CV-02471 RS - PAGE 4 OF 3		

1	ORDER
2	The Court, having considered the Parties' stipulation to extend the discovery cut-off to
3	November 22, 2017, and good cause appearing,
4	IT IS HEREBY ORDERED:
5	• The discovery completion deadline shall be extended from October 20, 2017, to
6	November 22, 2017.
7	All other dates scheduled in this case, including the trial date, shall remain as previously set.
8	$\sim 1101$
9	Dated: October <u>20</u> , 2017
10	RICHARD SEEBORG United States District Judge
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28	Stipulation to Extend Discovery Cut-Off; Order thereon
	Case No. 14-CV-02471 RS - PAGE 5 OF 3