

1 Glenn H. Wechsler, State Bar No. 118456  
 2 Jeffrey S. Nelson, State Bar No. 149494  
 3 LAW OFFICES OF GLENN H. WECHSLER  
 4 1111 Civic Drive, Suite 210  
 5 Walnut Creek, California 94596  
 6 Telephone: (925) 274-0200

7 Attorney for Defendant  
 8 NATIONSTAR MORTGAGE LLC doing business as  
 9 CHAMPION MORTGAGE COMPANY,  
 10 erroneously sued as CHAMPION MORTGAGE COMPANY

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

11	WILLIE YORK,	)	CASE NO. 14-CV-02471 RS
		)	
12	Plaintiff,	)	Assigned to U.S. District Judge:
		)	Judge Richard Seeborg
13	vs.	)	
		)	<b>STIPULATION TO EXTEND</b>
14	BANK OF AMERICA, CHAMPION	)	<b>DISCOVERY CUT-OFF;</b>
15	MORTGAGE, et al.,	)	<b>MEMORANDUM IN SUPPORT; AND</b>
		)	<del>PROPOSED</del> <b>ORDER</b>
16	Defendant.	)	
		)	
17		)	Trial: March 19, 2018
		)	
18		)	

---

19  
 20  
 21 Pursuant to Federal Rule of Civil Procedure 16(b)(4) and Northern District of California Civ.  
 22 L.R. 6.1(b) and 6.2, Plaintiffs WILLIE YORK and CAROLYN YORK MILES (“Plaintiffs”) and  
 23 Defendants NATIONSTAR MORTGAGE LLC doing business as CHAMPION MORTGAGE  
 24 COMPANY, erroneously sued as CHAMPION MORTGAGE; BANK OF AMERICA, N.A.;  
 25 REVERSE MORTGAGES OF CALIFORNIA, INC.; THOMAS PERKINS and SURETY BONDING  
 26 COMPANY OF AMERICA (collectively “Parties”) by their respective undersigned counsel respectfully  
 27 jointly stipulate and hereby request that the current discovery deadline of October 20, 2017, set forth in  
 28 the Case Management Scheduling Order of August 3, 2017 (Doc. 213), be extended to November 22,

1 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.

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

## 8 MEMORANDUM IN SUPPORT

### 9 I. PROCEDURAL HISTORY

10 In its Case Management Scheduling Order of August 3, 2017 ("scheduling order") (Doc. 213),  
11 this Court confirmed an agreement among the parties to extend the discovery cut-off date to October 20,  
12 2017, which remains the current cut-off date. Since the scheduling order was issued, the parties have  
13 been engaged in still-ongoing settlement discussions, both directly with each other and with the  
14 assistance of Tamara Lange, mediator. During such time, the parties have deferred expert witness  
15 depositions and completing outstanding written discovery in an effort to avoid both the expense  
16 necessarily involved in such discovery, and the obstacle to settlement presented by the incurring of such  
17 expense.

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

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

### 23 II. LEGAL STANDARD

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



1 DATED: October 19, 2017

LAW OFFICES OF JOHN L. FALLAT

2  
3 By: /s/ Timothy J. Tomlin

TIMOTHY J. TOMLIN

4 Attorneys for Defendant SURETY BONDING COMPANY  
5 OF AMERICA.

6 DATED: October 19, 2017

DOYLE & FORTUNE

7 By: /s/ David D. Doyle

8 David D. Doyle

9 Counsel for Defendants REVERSE MORTGAGES OF  
10 CALIFORNIA, INC. and THOMAS PERKINS

11 DATED: October 19, 2017

LAW OFFICES OF GLENN H. WECHSLER

12 By: /s/ Jeffrey S. Nelson\*

13 JEFFREY S. NELSON

14 Attorneys for Defendant NATIONSTAR MORTGAGE  
15 LLC doing business as CHAMPION MORTGAGE  
16 COMPANY, erroneously sued as CHAMPION  
17 MORTGAGE

18 \*I hereby attest that I have received authorization to provide any signatures indicated by a "conformed"  
19 signature (/s/) within this e-filed document and that such authorizations are available for inspection upon  
20 request.  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

The Court, having considered the Parties' stipulation to extend the discovery cut-off to November 22, 2017, and good cause appearing,

IT IS HEREBY ORDERED:

- The discovery completion deadline shall be extended from October 20, 2017, to November 22, 2017.

All other dates scheduled in this case, including the trial date, shall remain as previously set.

Dated: October 20, 2017



RICHARD SEEBORG  
United States District Judge

G:\Glenn\DOCS\LOANSTAR\YORK\Pleadings\Joint Motion to Extend Disco Cutoffs V170412.docx