

1 ANTHONY ALEXIS (DC Bar #384545)
 2 DEBORAH MORRIS (Admitted to the NY Bar)
 3 MICHAEL G. SALEMI (IL Bar # 6279741)
 4 MELANIE HIRSCH (DC Bar #989310)
 5 EDWARD KEEFE (DC Bar #490713)
 6 PATRICK GUSHUE (PA Bar #306966)
 7 Melanie.Hirsch@cfpb.gov
 8 1700 G Street NW
 9 Washington, DC 20552
 10 Phone: 202-435-7944
 11 Fax: 202-435-7722

12 *Attorneys for Plaintiff*
 13 *Consumer Financial Protection Bureau*

14 SEAN E. PONIST (CA SBN 204712)
 15 sponist@ponistlaw.com
 16 GEORGIA Z. SCHNEIDER (CA SBN 251358)
 17 gschneider@ponistlaw.com
 18 LAW OFFICES OF SEAN PONIST, P.C.
 19 100 Pine Street, Suite 1250
 20 San Francisco, California 94111
 21 Telephone: (415) 798-2222
 22 Fax: (888) 350-5442

23 *Attorneys for Defendants Nationwide Biweekly*
 24 *Administration, Inc., Loan Payment Administration, LLC, and*
 25 *Daniel S. Lipsky*

26 **UNITED STATES DISTRICT COURT**
 27 **NORTHERN DISTRICT OF CALIFORNIA**

28 CONSUMER FINANCIAL PROTECTION
 BUREAU,

Plaintiff,

vs.

NATIONWIDE BIWEEKLY
 ADMINISTRATION, INC., LOAN PAYMENT
 ADMINISTRATION LLC, and DANIEL S.
 LIPSKY,

Defendants.

Case No. 3:15-cv-02106-RS

JOINT STIPULATION AND
~~**[PROPOSED]**~~ **ORDER GRANTING**
DEFENDANTS LEAVE TO FILE
SECOND AMENDED ANSWER

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and Local Rule 7-12, plaintiff
 Consumer Financial Protection Bureau (“Bureau”) and defendants Nationwide Biweekly Administration,
 Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively, “Defendants”) state,

1 stipulate and agree as follows:

2 1. Defendants have undergone a recent transition in counsel. As a result of this transition,
3 new lead counsel for Defendants wishes to amend the first amended answer to address concerns
4 therewith and to otherwise clarify defenses to the complaint.

5 2. The parties have met and conferred regarding the foregoing and agree that the filing of a
6 second amended answer in this case would streamline and clarify the defenses and issues before this
7 Court, thereby serving the interests of efficiency and judicial economy.

8 3. The Bureau has no objection to Defendants' filing of a second amended answer and
9 hereby stipulates to the withdrawal of its pending Motion to Strike (Doc. 48) and renewal (Doc. 57)
10 without prejudice. The parties further request that hearing thereon, set for February 11, 2016, be vacated.

11 4. The parties further stipulate and agree that Defendants shall have two weeks from the date
12 of this Stipulation to file a second amended answer in this case.

13 5. The parties further stipulate and agree that, should the Bureau file a further Motion to
14 Strike, such motion shall be due twenty-one days after Defendants file their second amended answer.

15
16
17
18
19
20
21
22
23
24
25
26 ///

27 //

28 /

1 **IT IS SO STIPULATED AND AGREED:**

2 Dated: January 19, 2016

3 By: /s/ Melanie Hirsch

4 CONSUMER FINANCIAL PROTECTION BUREAU
5 Anthony Alexis, Enforcement Director
6 Deborah Morris, Deputy Enforcement Director
7 Michael G. Salemi, Asst. Litigation Deputy
8 Melanie Hirsch, Enforcement Attorney
9 Edward Keefe, Enforcement Attorney
10 Patrick Gushue, Enforcement Attorney

11 *Attorneys for Plaintiff Consumer Financial Protection
12 Bureau*

13 By: /s/ Sean E. Ponist

14 LAW OFFICES OF SEAN PONIST, P.C.
15 Sean E. Ponist
16 Georgia Z. Schneider

17 *Attorneys for Defendants Nationwide Biweekly
18 Administration, Inc., Loan Payment Administration LLC,
19 and Daniel S. Lipsky*

20 **ECF ATTESTATION**

21 I Sean E. Ponist, am the ECF user whose ID and password are being used to file this document. I
22 attest that concurrence in the filing of this document has been obtained from the signatory.

23 Dated: January 19, 2016

24 By: /s/ Sean E. Ponist
25 Sean E. Ponist

26 **CERTIFICATE OF SERVICE**

27 On January 19, 2016, I filed the foregoing document with the Court’s CM/ECF filing system,
28 which will serve all parties and counsel of record in this case.


By: /s/ Sean E. Ponist
Sean E. Ponist

1 **~~[PROPOSED]~~ ORDER**

2 Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure and Local Rule 7-12, and good
3 cause appearing therefor, the stipulation of the parties is granted. Accordingly, the Bureau's motion to
4 strike affirmative defenses shall be withdrawn without prejudice and the hearing date of February 11,
5 2016 vacated. Defendants are further granted leave to file a second amended answer which shall be filed
6 no later than February 2, 2106.

7
8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9
10 Dated: 1/19/16

11 
12 RICHARD SEEBORG
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28