

1 ANTHONY ALEXIS (DC Bar #384545)  
 2 DEBORAH MORRIS (Admitted to 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*

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

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

14 **UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 CONSUMER FINANCIAL  
 17 PROTECTION BUREAU,  
 18  
 19 Plaintiff,  
 20  
 21 v.  
 22 NATIONWIDE BIWEEKLY  
 23 ADMINISTRATION, INC., LOAN  
 24 PAYMENT ADMINISTRATION  
 25 LLC, AND DANIEL S. LIPSKY,  
 26  
 27 Defendants.

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

**JOINT STIPULATION AND ~~[PROPOSED]~~  
 ORDER SETTING BRIEFING SCHEDULE  
 ON PLAINTIFF'S MOTION TO STRIKE  
 AND MOTION TO DISMISS**

28 Pursuant to Civil L.R. 6-2 and 7-12 and subject to the Court's approval, Plaintiff  
 Consumer Financial Protection Bureau ("Bureau") and Defendants Nationwide Biweekly  
 Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively,  
 "Defendants") state, stipulate, and agree as follows:

1. On August 31, 2015, the Bureau moved to strike several affirmative defenses set  
 forth in Defendants' first amended answer. Dkt. No. 48. The Bureau stipulated to withdraw  
 that motion, without prejudice, at the request of Defendants' counsel, who wished to "amend

1 the first amended answer to address concerns therewith and to otherwise clarify defenses to  
2 the complaint.” Dkt. No. 65.

3 2. On February 2, 2016, Defendants filed a second amended answer that withdrew  
4 certain defenses and also asserted new affirmative defenses and new counterclaims against the  
5 Bureau. Dkt. No. 67.

6 3. The Bureau intends to file both a motion to strike several affirmative defenses  
7 and a motion to dismiss the counterclaims (collectively, “Motions”). Under the Federal Rules of  
8 Civil Procedure, while the Bureau has 21 days, or until February 23, 2016, to file a motion to  
9 strike Defendants’ affirmative defenses, it has 60 days, or until April 4, 2016, to file a  
10 responsive pleading to Defendants’ counterclaim. See Fed. R. Civ. P. 12(a)(2) and 12(f)(2).

11 4. Because many of the affirmative defenses concern substantially similar factual  
12 and legal issues as the counterclaims, the Motions will necessarily involve similar discussions  
13 of fact and law. Thus, amending relevant deadlines to file the Motions and responses to them  
14 concurrently would best serve the interests of efficiency and judicial economy by allowing the  
15 Court to simultaneously consider the merits of each related legal argument.

16 5. Defendants have no objection to this request.

17 6. The parties jointly propose the following briefing schedule:

18 a. March 18, 2016: opening briefs on the Motions;

19 b. April 8, 2016: Defendants’ responses to the Motions; and

20 c. April 15, 2016: the Bureau’s replies to Defendants’ responses, if any.

21 7. This proposed schedule would not otherwise affect the schedule for the case.

22 Dated: February 16, 2016

Respectfully submitted,

23 ANTHONY ALEXIS  
24 Enforcement Director

25 DEBORAH MORRIS  
26 Deputy Enforcement Director

27 MICHAEL G. SALEMI  
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Assistant Litigation Deputy

/s/ Melanie Hirsch

Melanie Hirsch  
melanie.hirsch@cfpb.gov

202-435-7944

Edward Keefe  
edward.keefe@cfpb.gov

202-435-9198

Patrick Gushue  
patrick.gushue@cfpb.gov

202-435-9671

1700 G Street NW  
Washington, DC 20552

*Attorneys for Plaintiff  
Consumer Financial Protection Bureau*

Dated: February 16, 2016

/s/ Sean E. Ponist

Law Offices of Sean Ponist, P.C.  
Sean E. Ponist  
Georgia Z. Schneider

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

### ECF ATTESTATION

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

Dated: February 16, 2016

/s/ Melanie Hirsch  
Melanie Hirsch

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/17/16-----



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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

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