

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 JONATHAN URBAN (CO Bar #44190)  
 Patrick.Gushue@cfpb.gov  
 8 1700 G Street NW  
 Washington, DC 20552  
 9 Phone: 202-435-7944  
 Fax: 202-435-7722  
 10 *Attorneys for Plaintiff*  
 11 *Consumer Financial Protection Bureau*

12 SEAN E. PONIST (CA SBN 204712)  
 13 sponist@ponistlaw.com  
 14 GEORGIA Z. SCHNEIDER (CA SBN 251358)  
 15 gschneider@ponistlaw.com  
 16 LAW OFFICES OF SEAN PONIST, P.C.  
 17 100 Pine Street, Suite 1250  
 18 San Francisco, California 94111  
 19 Telephone: (415) 798-2222  
 20 Fax: (888) 350-5442  
 21 *Attorneys for Defendants Nationwide Biweekly*  
 22 *Administration, Inc., Loan Payment Administration, LLC, and*  
 23 *Daniel S. Lipsky and Counter-Claimant Nationwide Biweekly*  
 24 *Administration, Inc.*

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

27 CONSUMER FINANCIAL PROTECTION  
 28 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 SETTING CASE**  
**SCHEDULE**

NATIONWIDE BIWEEKLY  
 ADMINISTRATION, INC.  
 Counter-claimant,

vs.

CONSUMER FINANCIAL PROTECTION  
 BUREAU,  
 Counter-defendant.

1 Pursuant to Civil L.R. 6-2 and 7-12 and subject to the Court’s approval, Plaintiff Consumer  
2 Financial Protection Bureau (“Bureau”) and Defendants and Counter-claimant Nationwide Biweekly  
3 Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively, the  
4 “Parties”) state, stipulate, and agree as follows:

5 1. On November 13, 2015, the Court entered a Further Case Management Scheduling Order  
6 setting the following case schedule (Dkt. 56):

- 7 • Designation of experts: July 23, 2016
- 8 • Fact discovery cut-off: September 22, 2016
- 9 • Opening disclosures / reports: September 22, 2016
- 10 • Further telephonic case management conference: September 29, 2016
- 11 • Rebuttal disclosures / reports: October 13, 2016
- 12 • Expert discovery cut-off: November 10, 2016
- 13 • Filing of dispositive motions: November 10, 2016
- 14 • Filing of memoranda in opposition to dispositive motions: December 8, 2016
- 15 • Filing of any reply in support of dispositive motions: December 22, 2016
- 16 • Hearing of dispositive motions: January 12, 2017
- 17 • Pretrial conference: March 16, 2017
- 18 • Trial: April 24, 2017

19 2. Due to the state of discovery as well as the fact that the pleadings remain unsettled at this  
20 time, the Parties agree it is necessary to modify this case schedule to allow additional time for fact and  
21 expert discovery without affecting the trial date or pretrial conference.

22 3. The parties hereby jointly submit the following modified proposed case schedule:

- 23 • Designation of experts: September 7, 2016
- 24 • Opening disclosures / reports: October 24, 2016
- 25 • Fact Discovery cut-off: November 10, 2016
- 26 • Rebuttal disclosures / reports: November 14, 2016
- 27 • Further telephonic case management conference: November 17, 2016
- 28 • Expert discovery cut-off: December 8, 2016

- Filing of dispositive motions: December 8, 2016
- Filing of memoranda in opposition to dispositive motions: January 5, 2017
- Filing of any reply in support of dispositive motions: January 19, 2017
- Hearing of dispositive motions: February 9, 2017
- Pretrial conference: March 16, 2017
- Trial: April 24, 2017

4. This proposed schedule would not otherwise affect trial date or pretrial conference.

**IT IS SO STIPULATED AND AGREED:**

Dated: July 21, 2016

By: /s/ Patrick Gushue

CONSUMER FINANCIAL PROTECTION BUREAU  
Anthony Alexis, Enforcement Director  
Deborah Morris, Deputy Enforcement Director  
Michael G. Salemi, Asst. Litigation Deputy  
Melanie Hirsch, Enforcement Attorney  
Edward Keefe, Enforcement Attorney  
Patrick Gushue, Enforcement Attorney

*Attorneys for Plaintiff Consumer Financial Protection  
Bureau*

By: /s/ Georgia Z. Schneider

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 and Counter-Claimant Nationwide  
Biweekly Administration, Inc.*

1 **ECF ATTESTATION**

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

4 Dated: July 21, 2016

5 By: /s/ Georgia Z. Schneider  
6 Georgia Z. Schneider

7 **CERTIFICATE OF SERVICE**

8 On July 21, 2016, I filed the foregoing document with the Court's CM/ECF filing system, which  
9 will serve all parties and counsel of record in this case.

10  
11 By: /s/ Georgia Z. Schneider  
12 Georgia Z. Schneider  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 ~~PROPOSED~~ ORDER

2 PURSUANT TO STIPULATION, IT IS SO ORDERED.

3  
4 Dated: 8/3/2016



5 RICHARD SEEBORG  
6 United States District Judge

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28