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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 FEDERAL DEPOSIT INSURANCE
 13 CORPORATION as Receiver for
 14 AMTRUST BANK
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 16 Plaintiff,
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 18 vs.
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 20 RPM MORTGAGE, INC., a California
 21 corporation d/b/a RESIDENTIAL
 22 PACIFIC MORTGAGE, f/k/a NL, INC.
 23
 24 Defendant.

Case No. 3:15-cv-05534-EMC
 Hon. Edward Chen

**STIPULATION TO MODIFY CASE
 MANAGEMENT ORDER**

Current Trial Date: June 5, 2017
Proposed Trial Date: Sept. 5, 2017

1 **IT IS HEREBY STIPULATED**, by and between Plaintiff Federal Deposit
2 Insurance Corporation as Receiver for AmTrust Bank (hereinafter “FDIC-R” or
3 “Plaintiff”), and Defendant RPM Mortgage, Inc., a California corporation d/b/a
4 Residential Pacific Mortgage, f/k/a NL, Inc. (“RPM” or “Defendant”) (collectively,
5 the “Parties”), through their respective counsel, as follows:

6 1. On October 6, 2016, the Court granted Defendant’s unopposed Motion
7 for Leave to File a Third Party Complaint. (Docket No. 39.)

8 2. On October 7, 2016, Defendant filed a Third Party Complaint against
9 certain third party defendants. (Docket No. 42.)

10 3. Pursuant to the existing Case Management Order, the non-expert
11 discovery cut-off in this case is currently December 1, 2016. (Docket No. 27.)

12 4. The Parties have begun scheduling depositions of party and non-party
13 witnesses during the next few weeks to ensure that fact discovery is completed
14 before the current December 1, 2016 discovery cut-off.

15 5. Certain depositions are scheduled to take place before or immediately
16 after the upcoming November 10, 2016 status conference.

17 6. The Parties believe that the third-party defendants named in
18 Defendant’s Third Party Complaint may wish to depose the aforementioned party
19 and non-party witnesses.

20 7. In order for the third-party defendants to fully participate in discovery,
21 the Parties believe that the current December 1, 2016 discovery cut-off, as well as
22 the June 5, 2017 trial date, will need to be continued by approximately three (3)
23 months.

24 8. Because the Parties cannot take these depositions off-calendar and still
25 comply with the existing December 1, 2016 discovery cut-off, and because certain
26 depositions are scheduled to take place before or immediately after the November
27 10, 2016 status conference, the Parties respectfully request that the Court modify the
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1 Case Management Order now, rather than waiting to do so until the status
2 conference.

3 9. The Parties have met and conferred regarding this issue. The third-
4 party defendants have not yet been served with Defendant's Third Party Complaint
5 and did not participate in the conference regarding this issue.

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7 **WHEREFORE, THE PARTIES HEREBY STIPULATE AND**
8 **REQUEST**, by and through their respective attorneys, as follows:

9 That the existing case management order be modified as follows:

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Current Date

Proposed New Date

Trial

June 5, 2017
8:30 a.m.

September 5, 2017
8:30 a.m.

Final Pretrial Conference

May 9, 2017
2:30 p.m.

August 8, 2017
2:30 p.m.

Dispositive Motions

Feb. 23, 2017
1:30 p.m.
(last day to be *heard*)

May 25, 2017
1:30 p.m.
(last day to be *heard*)

Non-Expert Discovery
Cut-off

Dec. 1, 2016

March 1, 2017

Expert Reports

Opening: Dec. 1, 2016
Rebuttal: Dec. 22, 2016

Opening: March 1, 2017
Rebuttal: March 22, 2017

Expert Discovery Cut-off

Jan. 12, 2017

April 12, 2017

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DATED: October 18, 2016

MORTGAGE RECOVERY LAW GROUP
LLP

By: /s/ Dana J. Clausen
Dana J. Clausen
Attorneys for Plaintiff Federal Deposit
Insurance Corporation as Receiver for
AmTrust Bank

DATED: October 18, 2016

MILLER STARR REGALIA

By: /s/ David E. Harris
David E. Harris
Attorneys for Defendants RPM MORTGAGE,
INC., a California corporation d/b/a
RESIDENTIAL PACIFIC MORTGAGE, INC.
f/k/a NL, INC.

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[PROPOSED] ORDER

IT IS ORDERED that the Case Management Order shall be modified as follows:

	<u>Current Date</u>	<u>New Date</u>
Trial	June 5, 2017 8:30 a.m.	September 5, 2017 8:30 a.m.
Final Pretrial Conference	May 9, 2017 2:30 p.m.	August 8, 2017 2:30 p.m.
Dispositive Motions	Feb. 23, 2017 1:30 p.m. (last day to be <i>heard</i>)	May 25, 2017 1:30 p.m. (last day to be <i>heard</i>)
Non-Expert Discovery Cut-off	Dec. 1, 2016	March 1, 2017
Expert Reports	Opening: Dec. 1, 2016 Rebuttal: Dec. 22, 2016	Opening: March 1, 2017 Rebuttal: March 22, 2017
Expert Discovery Cut-off	Jan. 12, 2017	April 12, 2017

See Minute Order #49 filed 10/27/2016
10/27/2016

Dated: _____

