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Attorneys for Plaintiff Winifred Cabiness and the putative class

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

18 WINIFRED CABINESS, individually and on  
19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 EDUCATIONAL FINANCIAL SOLUTIONS,  
23 LLC DBA CAMPUS DEBT SOLUTIONS,

24 Defendant.

Case No: 3:16-cv-1109-JST

CLASS ACTION

**STIPULATION AND ORDER TO  
CONTINUE OCTOBER 11, 2017 CASE  
MANAGEMENT CONFERENCE AND  
OTHER DEADLINES**

Date Action Filed: March 4, 2016

1           **COMES NOW THE PARTIES TO THE ABOVE-REFERENCED ACTION AND**  
2 **RECITE AND STIPULATE AS FOLLOWS:**

3           WHEREAS, on June 5, 2017, the Parties attended private mediation in this matter with  
4 the Honorable Judge Peter D. Lichtman (Ret.) at JAMS;

5           WHEREAS, the Parties executed a Memorandum of Understanding at mediation to  
6 resolve this matter based on an agreed upon estimated class size to be confirmed, with room for  
7 error of up to 15%;

8           WHEREAS, the Parties are still working to finalize the resolution of this matter to  
9 conclude their settlement; particularly involving the process to address whether the actual class  
10 size is within the estimated class size range agreed to by the Parties;

11           WHEREAS, Plaintiff maintains that an individual Plaintiff seeks to designate as an  
12 expert has calculated the size of the class based upon extensive call records provided by  
13 Defendant and asserts it is approximately 35% larger than the high end of the allowed class size.

14           WHEREAS, Defendant contends that it had obtained prior express written consent to call  
15 approximately 25% the unique cellular telephone numbers set forth in the call records provided  
16 and contends that the class size is within the agreed upon estimate class size range.

17           WHEREAS, the individual Plaintiff seeks to designate as an expert is addressing the  
18 validity of the consents set forth in Defendant's records evidencing the prior express written  
19 consent that was provided.

20           WHEREAS, Defense counsel has requested additional information from Plaintiff and is  
21 in the process of considering retaining an expert in order to make a more accurate determination  
22 of the class size and the validity of the evidence of consents.

23           WHEREAS, the Parties have been diligently working to resolve these technical issues  
24 and disputes regarding the class size, and the attorneys for the Parties have been communicating  
25 with each other to address the remaining issues to resolve this matter;

26           WHEREAS, despite their best efforts, the Parties require additional time in order to  
27 confirm the putative class size to complete the process of resolving this matter;

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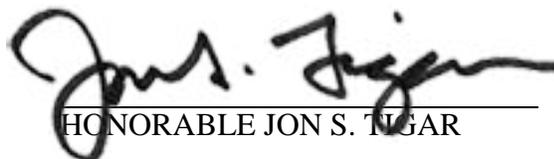
Dated: October 4, 2017

GREENSPOON MARDER

By: /s/Beth-Ann Krimsky  
Beth-Ann Krimsky  
Attorneys for Defendants EDUCATIONAL  
FINANCIAL SOLUTIONS, LLC DBA CAMPUS  
DEBT SOLUTIONS, DEBT.COM, LLC, BETA  
INVESTMENT GROUP, INC., EQUITY  
ACQUISITIONS, LLC, VENTURETECH  
SOLUTIONS, LLC AND HOWARD DVORKIN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 5, 2017 \_\_\_\_\_



HONORABLE JON S. TIGAR