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 23 RELATOR GWEN THROWER

24 UNITED STATES DISTRICT COURT
 25 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

26 UNITED STATES OF AMERICA ex rel.
 27 GWEN THROWER,

28 Plaintiff,

v.

ACADEMY MORTGAGE CORPORATION,
 Defendant.

Case No. 16-CV-02120-EMC

**STIPULATION AND PROPOSED ORDER
 SETTING THE BRIEFING SCHEDULE
 AND ORAL ARGUMENT ON THE
 UNITED STATES’ MOTION TO DISMISS
 AND HOLDING IN ABEYANCE
 DEFENDANT’S MOTIONS AND THE
 CASE MANAGEMENT CONFERENCE**

Judge: Hon. Edward M. Chen

1 Relator Gwen Thrower, Defendant Academy Mortgage Corporation, and the United States
2 hereby stipulate by and through their respective counsel as follows:

3 1. WHEREAS, on April 27, 2017, the Relator filed her Amended Complaint against
4 defendant Academy Mortgage Corporation (“Defendant”). Docket No. 45.

5 2. WHEREAS, on June 8, 2017, Defendant filed an Amended Motion to Transfer
6 Venue
7 (docket No. 48) and Motion to Dismiss the Amended Complaint (docket No. 50) (collectively,
8 “Defendant’s Motions”);

9 3. WHEREAS, by Stipulation and Order, oral argument on Defendants’ Motions was
10 reset for July 27, 2017. Docket No. 47.

11 4. WHEREAS, on July 19, 2017, the United States filed a Motion to Dismiss Relator’s
12 Amended Complaint. Docket No. 60.

13 5. WHEREAS, on July 20, 2017, the Court reset the Case Management Conference and
14 oral argument on Defendant’s Motions, and set argument on the United States’ Motion to Dismiss
15 for August 22, 2017 at 1:30 p.m. *See* Dkt. No. 62. The Court also reset the deadline for the
16 submission of the Case Management Statement to August 15, 2017. *See id.*

17 6. WHEREAS, upon the request of Relator’s counsel, the United States has agreed to
18 extend the deadline for Relator’s response to the United States’ Motion to Dismiss to September
19 15, 2017 and to extend the deadline for the United States’ reply to September 22, 2017.

20 7. WHEREAS, Relator’s counsel has represented that such an extension is needed to
21 provide them with sufficient time to prepare Relator’s response to the United States’ Motion to
22 Dismiss.

23 8. WHEREAS, anticipating that the Court was going to hear oral argument on
24 Defendant’s Motions on July 27, 2017, Relator’s counsel has other urgent demands scheduled
25 during the month of August, necessitating this request for additional time.

26 9. WHEREAS, Relator’s attorneys with principal responsibility for this matter each
27 have long-scheduled family vacations and out of the country travel throughout the month of
28 August and the Labor Day holiday, making it very difficult for the attorneys to prepare and confer

1 regarding the drafting of Relator's response to the United States' Motion to Dismiss.

2 10. WHEREAS, no extensions have been requested previously regarding the schedule
3 for briefing and oral argument on the United States' Motion to Dismiss.

4 11. WHEREAS, the Relator, Defendant and the United States stipulate that, in the
5 interest of judicial economy, as the determination on the United States' Motion to Dismiss the
6 Amended Complaint may obviate the need for the Court to render a decision on Defendants'
7 Motions, the hearing and decision(s) on Defendant's Motions and the Case Management
8 Conference (and date to submit the corresponding statement) be held in abeyance until after a
9 decision is rendered on the United States' Motion to Dismiss.

10 12. WHEREAS, although not involved in the briefing on the United States' Motion to
11 Dismiss, Defendant's counsel has indicated that they will likely attend the oral argument on the
12 United States' Motion to Dismiss. However, counsel for Defendant may be on trial during parts
13 of September.

14 13. WHEREAS, as the United States remains the real party in interest, and pursuant to
15 28 U.S.C. § 517, the United States intends to file a Statement of Interest within 10 days of the
16 Court scheduling a hearing for oral argument on Defendant's Motion to Dismiss.

17 14. IT IS HEREBY STIPULATED that, upon approval by the Court, the: (1) deadline
18 for Relator to respond to the United States' Motion to Dismiss is extended to and including
19 September 15, 2017; (2) deadline for the United States to file its reply on its Motion to Dismiss the
20 Amended Complaint is extended to and including September 22, 2017; (3) date for oral argument
21 on the United States' Motion to Dismiss is reset for October 5, 2017 at 1:30 p.m.; and (4) oral
22 argument and decision(s) on Defendant's Motions and the Case Management Conference (and
23 date to file the corresponding statement) are held in abeyance pending the Court rendering a
24 decision on the United States' Motion to Dismiss.

1 Dated: August 2, 2017

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3 By: /s/ Jonathan W. Ferris

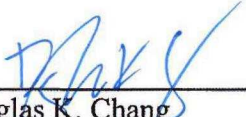
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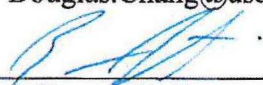
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Counsel for Defendant

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

3 UNITED STATES OF AMERICA ex rel.
4 GWEN THROWER,

5 Plaintiff,

6 v.

7 ACADEMY MORTGAGE CORPORATION,

8 Defendant.

Case No. 16-CV-02120-EMC

**~~[PROPOSED]~~ ORDER: (1) SETTING
THE BRIEFING SCHEDULE AND
CONTINUING THE HEARING ON THE
UNITED STATES' MOTION TO DISMISS
AND; (2) HOLDING IN ABEYANCE
ORAL ARGUMENT AND DECISION(S)
ON DEFENDANT'S MOTIONS AND THE
CASE MANAGEMENT CONFERENCE
AND STATEMENT**

Judge: Hon. Edward M. Chen

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11 Upon consideration of the Stipulation between the Relator, United States and Defendant to
12 set the briefing schedule and oral argument on the United States' Motion to Dismiss the Amended
13 Complaint and to hold in abeyance Defendant's Amended Motion to Transfer and Amended
14 Motion to Dismiss, and the Case Management Conference and Statement; and good cause
15 appearing, IT IS HEREBY ORDERED that the stipulation is GRANTED as follows:

- 16 1. Relator's response to the United States' Motion to Dismiss the Amended Complaint is
17 now due on **September 15, 2017**;
- 18 2. The United States' deadline to submit a reply to its Motion to Dismiss the Amended
19 Complaint is now due on **September 22, 2017**;
- 20 3. Oral argument regarding the United States' Motion to Dismiss the Amended Complaint
21 is reset **for October 5, 2017 at 1:30 p.m.** in Courtroom 5, 17th Floor, United States
22 Courthouse in San Francisco;
- 23 4. Defendant's Amended Motion to Transfer Venue and Motion to Dismiss the Amended
24 Complaint, and corresponding oral argument, are **held in abeyance pending a**
25 **decision on the United States' Motion to Dismiss**;
- 26 5. The Case Management Conference set for August 22, 2017 at 1:30 p.m. and deadline
27 to submit the Case Management Statement are **held in abeyance pending a decision**
28 **on the United States' Motion to Dismiss.**

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8/3/17

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