

1 J. NELSON THOMAS (admitted *pro hac vice*)
 JONATHAN W. FERRIS (admitted *pro hac vice*)
 2 MICHAEL J. LINGLE (admitted *pro hac vice*)
 ANNETTE M. GIFFORD - 270777
 3 THOMAS & SOLOMON LLP
 4 693 East Avenue
 Rochester, New York 14607
 5 Telephone: (585) 272-0540
 Email: nthomas@theemploymentattorneys.com
 6 jferris@theemploymentattorneys.com
 nthomas@theemploymentattorneys.com
 7 amgifford@gmail.com

8 SANFORD JAY ROSEN – 062566
 9 VAN SWEARINGEN – 259809
 ROSEN BIEN GALVAN & GRUNFELD LLP
 10 50 Fremont Street, 19th Floor
 San Francisco, California 94105-2235
 11 Telephone: (415) 433-6830
 12 Facsimile: (415) 433-7104
 Email: srosen@rbgg.com
 13 vswearingen@rbgg.com

14 Attorneys for
 15 RELATOR GWEN THROWER

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

18 UNITED STATES OF AMERICA ex rel.
 GWEN THROWER,
 19 Plaintiff,
 20 v.
 21 ACADEMY MORTGAGE CORPORATION,
 22 Defendant.
 23

Case No. 16-CV-02120-EMC

**STIPULATION AND ~~PROPOSED~~ ORDER
 RESETTING THE ORAL ARGUMENT
 DATE AND BRIEFING SCHEDULE
 REGARDING THE UNITED STATES'
 MOTION TO DISMIS**

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 July 19, 2017, the United States filed a Motion to Dismiss Relator's
4 Amended Complaint ("the United States' Motion"). Docket No. 60.

5 2. WHEREAS, on August 2, 2017, upon the request of the Relator's counsel, the parties
6 stipulated to modify the briefing schedule regarding the United States' Motion to extend: (1) the
7 deadline for Relator to respond to the United States' Motion through and including September 15,
8 2017; (2) the deadline for the United States to file its reply on its Motion through and including
9 September 22, 2017; and (3) the date for oral argument on the United States' Motion be set for
10 October 5, 2017 at 1:30 p.m. Docket No. 63.

11 3. WHEREAS, the parties also stipulated to hold in abeyance the defendant's Amended
12 Motion to Transfer Venue, defendant's Motion to Dismiss, and the Case Management Conference
13 pending a decision on the United States' Motion. Docket No. 63.

14 4. WHEREAS, on August 3, 2017, this Court granted the parties stipulation as described
15 above in ¶¶2-3. Docket No. 64.

16 5. WHEREAS, on August 28, 2017, this Court issued a Clerk's Notice resetting the oral
17 argument regarding the United States' Motion from October 5, 2017 to October 12, 2017 at 1:30
18 pm. Docket No. 65.

19 6. WHEREAS, Relator's counsel is unavailable for oral argument on October 12, 2017
20 and requests an adjournment of the oral argument.

21 7. WHEREAS, the parties have conferred regarding the dates that they are available and
22 propose that the oral argument be adjourned until October 26, 2017 at 1:30 p.m. Although defendant
23 has not brought the current motion, defense counsel has indicated that they plan to attend the oral
24 argument during this proposed time.

25 8. WHEREAS, due to eye surgery involving the principal attorney representing the
26 Relator causing that attorney to be out of the office last week and due to recent setbacks from that
27 surgery (including the inability to currently read anything on a computer screen), Relator
28 respectfully requests an extension of time for her to prepare her response to the United States'

1 Motion.

2 9. WHEREAS, in light of the above, the parties have agreed to extend the briefing
3 schedule, extending the deadline for Relator to file her response to the United States' Motion
4 through and including September 25, 2017, and extending the deadline for the United States' to file
5 its reply through and including October 2, 2017.

6 10. WHEREAS, this is the second requested extension of these deadlines.

7 11. WHEREAS, defendant's Motion to Dismiss the Amended Complaint and defendant's
8 Motion to Transfer Venue, as well as the Case Management Conference will continue to be held in
9 abeyance pending a decision on the United States' Motion.

10 12. IT IS HEREBY STIPULATED that, upon approval by the Court: (1) the date for oral
11 argument on the United States' Motion is reset for October 26, 2017 at 1:30 p.m; (2) the deadline
12 for Relator to respond to the United States' Motion is extended to and including September 25,
13 2017; (3) the deadline for the United States to file its reply on its Motion is extended to and including
14 October 2, 2017; and (4) defendant's Motion to Dismiss the Amended Complaint and defendant's
15 Motion to Transfer Venue, as well as the Case Management Conference will continue to be held in
16 abeyance pending a decision on the United States' Motion.

17

18

19

20

21

22

23

24

25

26

27

28

1 Dated: September 14, 2017

2

3 By: /s/ Jonathan W. Ferris

J. Nelson Thomas
Michael J. Lingle
Jonathan W. Ferris
Annette M. Gifford
THOMAS & SOLOMON LLP
693 East Avenue
Rochester, NY 14607
Telephone: 585-272-0540
Facsimile: 585-272-0574

By: /s/ Jason W. McElroy

Jason W. McElroy
WEINER BRODSKY KIDER PC
1300 19th Street, N.W.
Suite 500
Washington, DC 20036
202-628-2000
Fax: 202-628-2011
Email: kider@thewbkfirm.com

9 Sanford Jay Rosen
Van Swearingen
10 ROSEN BIEN GALVAN &
GRUNFELD LLP
11 50 Fremont Street
12 19th Floor
13 San Francisco, CA 94105

Thomas Michael McInerney
OGLETREE DEAKINS NASH SMOAK
& STEWART, P.C.
Steuart Tower, Suite 1300
One Market Plaza
San Francisco, CA 94105
415-442-4810
Fax: 415-442-4870
Email: tmm@ogletree.com

14 Counsel for Relator

Counsel for Defendant

15

16

17 By: 

Douglas K. Chang
Assistant U.S. Attorney
United States Attorney's Office
450 Golden Gate Avenue, Box 36055
San Francisco, CA 94102
415-436-6985
Douglas.Chang@usdoj.gov

21

22 By: 

 Jeffrey A. Hall
Bruce D. Bernstein
Trial Attorneys
U.S. Department of Justice
Civil Division, Fraud Section
601 D Street, N.W.
Washington, D.C. 20004
202- 353-1329
jhall@civ.usdoj.gov

28 Counsel for the United States

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

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

6 Plaintiff,

7 v.
8

9 ACADEMY MORTGAGE CORPORATION,
10 Defendant.
11

Case No. 16-CV-02120-EMC

**[PROPOSED] ORDER: RESETTING THE
ORAL ARGUMENT DATE AND
BRIEFING SCHEDULE REGARDING
THE UNITED STATES' MOTION TO
DISMIS**

Judge: Hon. Edward M. Chen

12 Upon consideration of the Stipulation between the Relator, United States and Defendant to
13 reset the oral argument and briefing schedule regarding the United States' Motion to Dismiss the
14 Amended Complaint; and good cause appearing, IT IS HEREBY ORDERED that the stipulation is
15 GRANTED as follows:

- 16 1. Oral argument regarding the United States' Motion to Dismiss the Amended Complaint
17 is reset ~~for November 9, 2017~~ **for October 26, 2017 at 1:30 p.m.** in Courtroom 5, 17th Floor, United States
18 Courthouse in San Francisco;
- 19 2. Relator's deadline to respond to the United States' Motion to Dismiss the Amended
20 Complaint is extended through and including **September 25, 2017**;
- 21 3. The United States' deadline to submit a reply to its Motion to Dismiss the Amended
22 Complaint is extended through and including **October 2, 2017**;
- 23 4. Defendant's Amended Motion to Transfer Venue and Motion to Dismiss the Amended
24 Complaint, and corresponding oral argument, as well as the Case Management
25 Conference, **continue to be held in abeyance pending the Court's decision on the**
26 **United States' Motion to Dismiss.**
- 27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: 9/15/17 _____

