

1 THOMAS A. WOODS (SB #210050)
 thomas.woods@stoel.com
 2 BRYAN L. HAWKINS (SB #238346)
 bryan.hawkins@stoel.com
 3 STOEL RIVES LLP
 500 Capitol Mall, Suite 1600
 4 Sacramento, CA 95814
 Telephone: (916) 447-0700
 5 Facsimile: (916) 447-4781

6 Attorneys for Defendants
 Select Portfolio Servicing, Inc. (erroneously sued as
 7 Specialized Portfolio Servicing, Inc.) and National
 Default Servicing Corporation
 8

9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 EVELYN NAND, an individual;
 SUKHANDRA NAND, an individual

13 Plaintiffs,

14 v.

15 SPECIALIZED PORTFOLIO SERVICING,
 INC., a business entity; NATIONAL
 16 DEFAULT SERVICING CORPORATION, a
 business entity; and DOES 1 through 50,
 17 inclusive

18 Defendants.

Case No. 3:16-cv-04030-EMC

**FURTHER STIPULATION TO
 CONTINUE HEARING DATES AND
 BRIEFING SCHEDULES ON
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION AND
 DEFENDANTS' MOTION TO
 DISMISS; [~~PROPOSED~~] ORDER**

Complaint Filed: July 18, 2016

1 **TO THE COURT, ALL PARTIES, AND TO THEIR ATTORNEYS OF RECORD:**

2 Plaintiffs Evelyn Nand and Sukhandra Nand (collectively "Plaintiffs") and Defendants
3 Select Portfolio Servicing, Inc. (erroneously sued as Specialized Portfolio Servicing, Inc.)
4 ("SPS") and National Default Servicing Corporation ("NDSC," collectively "Defendants"), by
5 and through their counsel of record, hereby respectfully submit this stipulated request to continue
6 the currently scheduled hearing dates and briefing schedules on Plaintiffs' motion for a
7 preliminary injunction and Defendants' motion to dismiss, both currently scheduled for
8 September 15, 2016. This request is being made to provide the parties with additional time to
9 determine if their dispute can be resolved informally.

10 On July 18, 2016, Plaintiffs filed this action. ECF No. 1. Simultaneously with this filing,
11 Plaintiffs filed an *ex parte* application for a temporary restraining order restraining the foreclosure
12 sale of the relevant property. ECF No. 4.

13 On July 18, 2016, the Court granted Plaintiffs' *ex parte* application and scheduled a
14 preliminary injunction hearing for August 4, 2016. The Court also established the following
15 briefing schedule:

- 16 • July 26, 2016 - Defendants' deadline to submit their responses to Plaintiffs'
17 motion; and
- 18 • July 29, 2016 - Plaintiffs' deadline to submit their reply brief in support of their
19 motion.

20 On July 26, 2016 the parties submitted a Stipulation and Proposed Order continuing the
21 August 4, 2016 preliminary injunction hearing and related filing deadlines and preserving the
22 temporary restraining order for the duration of the continuance. Pursuant to the Stipulation,
23 adopted by the Court, the hearing on Plaintiffs' motion for preliminary injunction was continued
24 to September 15, 2016. In accordance with that continuance, the following briefing schedule was
25 adopted:

- 26 • August 30, 2016 - Defendants' deadline to submit their responses to Plaintiffs'
27 motion; and

- 1 • September 6, 2016 - Plaintiffs' deadline to submit their reply brief in support of
2 their motion. ECF No. 17

3 On August 9, 2016, Defendants filed a Motion to Dismiss the Complaint, with a hearing
4 date of September 15, 2016. ECF No. 20. The following briefing schedule is associated with that
5 motion:

- 6 • August 23, 2016 - Plaintiffs' deadline to submit their responses to Defendants'
7 motion; and
8 • August 30, 2016 - Defendants' deadline to submit their reply brief in support of
9 their motion. ECF No. 20

10 Pursuant to this stipulation, the Parties respectfully request that the September 15, 2016
11 hearings on Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss be
12 continued to October 27, 2016 or to another date convenient to the Court's schedule. The Parties
13 also request that the Court continue the briefing dates as follows:

- 14 • October 13, 2016 – the parties' deadlines to submit their respective responsive
15 briefs to the pending motions; and
16 • October 20, 2016 – the parties' deadlines to submit their respective reply briefs in
17 support of their pending motions;

18 The Parties also agree that the restraining order issued by the Court will remain in effect
19 until the Court rules on Plaintiffs' motion for a preliminary injunction.

20
21
22
23
24
25
26
27
28

1 Plaintiffs and Defendants so stipulate.

2 DATED: August 19, 2016

STOEL RIVES LLP

3

By: /s/ Bryan L. Hawkins
THOMAS A. WOODS
BRYAN L. HAWKINS
Attorneys for Defendants
Select Portfolio Servicing, Inc.
(erroneously sued as Specialized Portfolio
Servicing, Inc.) and National Default
Servicing Corporation

4

5

6

7

8

9

DATED: August 19, 2016

MELLEN LAW FIRM

10

By: /s/ Jessica Galletta
MATTHEW D. MELLEN
JESSICA GALLETTA
Attorneys for Plaintiffs
EVELYN NAND and SUKHANDRA
NAND

11

12

13

14

15 ATTESTATION OF SIGNATURE:

16

17

18

19

Dated: August 19, 2016

20

21

/s/ Jessica Galletta
JESSICA GALLETTA

22

23

24

25

26

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

ORDER

This matter comes before the Court on Plaintiffs Evelyn Nand and Sukhandra Nand’s (collectively "Plaintiffs") and Defendants Select Portfolio Servicing, Inc. (erroneously sued as Specialized Portfolio Servicing, Inc.) (“SPS”) and National Default Servicing Corporation’s stipulated request to continue the currently scheduled hearings and briefing schedules on Plaintiffs’ motion for a preliminary injunction and Defendants’ motion to dismiss. After considering the Parties’ stipulation and finding good cause, the Court GRANTS the Parties’ stipulated request.

The September 15, 2016 hearing on Plaintiffs’ motion for a preliminary injunction is ~~continued to October 27, 2016.~~ November 3, 2016 at 1:30 p.m. Defendants shall submit their opposition to Plaintiffs’ motion by no later than October 13, 2016. Plaintiffs shall submit their reply brief in support of the motion by no later than October 20, 2016.

The September 15, 2016 hearing on Defendants’ motion to dismiss is continued to ~~October 27, 2016.~~ November 3, 2016 at 1:30 p.m. Plaintiffs shall submit their opposition to Defendants’ motion by no later than October 13, 2016. Defendants shall submit their reply brief in support of the motion by no later than October 20, 2016.

IT IS SO ORDERED

DATED: August 19, 2016 _____

