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5 Attorneys for Plaintiffs,  
 EVELYN NAND  
 6 SUKHANDRA NAND

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 EVELYN NAND, an individual;  
 SUKHANDRA NAND, an individual

11 Plaintiffs,

12 v.

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

16 Defendants.  
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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

28

- 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                  On August 19, 2016 the parties submitted a Stipulation and Proposed Order continuing the  
11                  preliminary injunction hearing, and related filing deadlines, and preserving the temporary  
12                  restraining order for the duration of the continuance. In addition, the Parties' Stipulation and  
13                  Proposed Order continued the hearing on Defendant's Motion to Dismiss and related filing  
14                  deadlines. ECF No. 23. Pursuant to the Stipulation, as amended by the Court, the hearing on  
15                  Plaintiffs' motion for preliminary injunction and Defendant's Motion to Dismiss was continued to  
16                  November 3, 2016. In accordance with that continuance, the following briefing schedule was  
17                  adopted:

- 18                  • October 13, 2016 – the parties' deadlines to submit their respective responsive  
19                  briefs to the pending motions; and  
20                  • October 20, 2016 – the parties' deadlines to submit their respective reply briefs in  
21                  support of their pending motions. ECF No. 24

22                  In a continuing effort to resolve this matter, the Parties submit a further stipulation to  
23                  continue the hearing on Plaintiffs' Motion for Preliminary Injunction and Defendant's Motion to  
24                  Dismiss. Pursuant to this stipulation, the Parties respectfully request that the November 3, 2016  
25                  hearings on Plaintiffs' Motion for Preliminary Injunction and Defendants' Motion to Dismiss be  
26                  continued to December 15, 2016, to be heard with the Initial Case Management Conference, or to  
27                  another date convenient to the Court's schedule. The Parties also request that the Court continue  
28                  the briefing dates as follows:

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- December 1, 2016 – the parties’ deadlines to submit their respective responsive briefs to the pending motions; and
- December 8, 2016 – the parties’ deadlines to submit their respective reply briefs in support of their pending motions.

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

Plaintiffs and Defendants so stipulate.

DATED: October 5, 2016

STOEL RIVES LLP

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

DATED: October 5, 2016

MELLEN LAW FIRM

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

ATTESTATION OF SIGNATURE:

I attest under penalty of perjury under the laws of the United States of America that I have received the concurrence in the filing of this document from the listed signatories as required by Local Rule 5.1(i)(3).

Dated: October 5, 2016

/s/ Jessica Galletta  
 JESSICA GALLETTA

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**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 November 3, 2016 hearing on Plaintiffs’ motion for a preliminary injunction is continued to December 15, 2016. Defendants shall submit their opposition to Plaintiffs’ motion by no later than December 1, 2016. Plaintiffs shall submit their reply brief in support of the motion by no later than December 8, 2016.

The November 3, 2016 hearing on Defendants’ motion to dismiss is continued to December <sup>15</sup>~~14~~, 2016. Plaintiffs shall submit their opposition to Defendants’ motion by no later than December 1, 2016. Defendants shall submit their reply brief in support of the motion by no later than December 8, 2016.

IT IS SO ORDERED

DATED: 10/7/2016

