

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO AND OAKLAND DIVISION

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4 UNITED STATES OF AMERICA,

5 Plaintiff,

6 vs.

7 THE HOME LOAN AUDITORS, LLC, et al.,

8 Defendants.

)
) Case No. 3:16-cv-04839-RS

)
) JOINT/STIPULATED MOTION TO
) ENLARGE TIME TO RESPOND TO
) MOTIONS TO DISMISS AND TO
) CONTINUE HEARING, AND ~~[PROPOSED]~~
) ORDER ENLARGING TIME TO RESPOND
) TO MOTIONS TO DISMISS AND
) CONTINUING THE HEARING AS MODIFIED BY THE

9 Pursuant to Civil L.R. 6-2, the undersigned counsel for the Parties (“the Parties”),
10 respectfully request that the Court enter an Order enlarging the deadlines to file responses and
11 replies and the hearing in connection with two motions to dismiss filed by Defendants Luna and
12 Alcaraz (Dkt. Nos. 86, 91). The Parties stipulate and request that responses to the motions to
13 dismiss be filed on or before March 2, 2017, with Defendants’ replies, if any, due on March 15,
14 2017. The Parties also request that the hearing be continued to March 30, 2017, due to a conflict
15 of one of the Parties’ counsel on March 16 and a conflict of another counsel on March 23. As
16 required by Civil L.R. 6-2(a), the United States submits the attached Seventh Declaration of
17 Christopher Belen (“Belen Decl.”).

18 The Parties agree and stipulate as follows:

19 1. On January 17, 2017, Defendants Luna and Alcaraz moved to dismiss claims against
20 them by the United States, Defendant David Spieker, and Defendant Gutierrez. (Dkt. No. 86.)
21 Under the Local Rules, the responses to this motion to dismiss would be due on January 31,
22 2017. See Civil L.R. 7.3. On January 24, 2017, Defendants Luna and Alcaraz moved to dismiss
23 the Intervenor Plaintiffs’ claims. (Dkt. No. 91.) Under the Local Rules, the Intervenor
24 Plaintiffs’ response would be due on February 7, 2017. See Civil L.R. 7.3. Both motions to
25 dismiss have been noticed for hearing on March 16, 2017.

26 2. As set forth in the attached Declaration, for example, the United States needs additional
27 time to adequately respond to the arguments in Defendants’ motion. In light of the claims in the
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1 motions to dismiss, the Parties submit that it is prudent to have all responses to the motions due
2 on the same date, and likewise for the replies. Moreover, the hearing date needs to be postponed
3 due to a conflict affecting the individuals at the firm representing Defendants Luna and Alcaraz.

4 3. The Parties request that the deadline to respond to the motions to dismiss be enlarged and
5 set for March 2, 2017. Defendants Luna and Alcaraz's replies, if any, will be filed on or before
6 March 15, 2017. The Parties also request that the hearing on the motions be continued and reset
7 for March 30, 2017.

8 4. The Parties submit that this enlargement will not significantly affect the schedule for the
9 case. Following the proposed schedule, the motions to dismiss will be fully briefed two weeks
10 before the hearing on March 30, 2017. Nor do the Parties believe this enlargement will have any
11 effect on the current deadlines for a case management statement (February 2, 2017) or the case
12 management conference scheduled for February 9, 2017.

13 5. Parties to this case have previously requested two modifications of deadlines: the
14 enlargement of time to serve process (Dkt. No. 43) and the continuance of the case management
15 conference (Dkt. No. 53). In addition, Defendant Spieker submitted a Notice of Unavailability
16 for the initial date for the Case Management Conference before the previously-assigned judge
17 (Dkt. No. 26), which the Court rescheduled (Dkt. No. 29). The Court has slightly modified other
18 dates and Defendant Gutierrez and Intervenor Plaintiffs re-noticed hearing dates for pending
19 motions when this case was reassigned.

20 WHEREFORE the Parties request that the Court enter an Order setting a modified
21 briefing schedule for the pending motions to dismiss and continuing the hearing on the motions
22 as follows: responses due on or before March 2, 2017, replies by Defendants Luna and Alcaraz
23 on or before March 15, 2017, and a hearing on March 30, 2017.

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1 Dated: January 30, 2017.

2 T.E. WHEELER, II
3 Acting Assistant Attorney General
4 Civil Rights Division

5 SAMEENA SHINA MAJEED
6 Chief

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36 *Defendant in propria persona*

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PURSUANT TO STIPULATION:

Parties shall file responses to Defendants Luna and Alcaraz’s motions to dismiss (Dkt. Nos. 86, 91) on or before March 2, 2017. Defendants Luna and Alcaraz shall file their replies, if any, on or before March 15, 2017. The hearing on these motions to dismiss is continued to April 6, ~~March 30~~, 2017 at 1:30 p.m.

IT IS SO ORDERED.

Dated: 1/31/17



Honorable Richard Seeborg
UNITED STATES DISTRICT JUDGE