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17 *and all similarly situated individuals*

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Mortgage Association*

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 JAMES BANNECK, individually and on  
21 behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 FEDERAL NATIONAL MORTGAGE  
25 ASSOCIATION,

26 Defendant.

Case No. 3:17-cv-04657-WHO

**STIPULATION AND ORDER  
EXTENDING DEADLINES FOR CASE  
MANAGEMENT CONFERENCE,  
SUMMARY JUDGMENT HEARING,  
CLASS CERTIFICATION BRIEFING,  
AND ADR**

1 Plaintiff James Banneck and defendant Federal National Mortgage Association (“Fannie  
2 Mae”) hereby stipulate as follows:

3 WHEREAS, a case management conference and the hearing on Fannie Mae’s motion for  
4 summary judgment are currently scheduled for January 9, 2019;

5 WHEREAS, the parties have cited opinions from *Zabriskie v. Federal National Mortgage*  
6 *Association*, No. 13-cv-02260 (D. Ariz.), which was subsequently appealed to the Ninth Circuit  
7 as *Zabriskie v. Federal National Mortgage Association*, No. 17-16000 (9th Cir.), in their briefing  
8 on Fannie Mae’s motion for summary judgment;

9 WHEREAS, on December 26, 2018, the Ninth Circuit entered an order under seal in  
10 *Zabriskie*, No. 17-16000 (9th Cir. Dec. 26, 2018) (Dkt. 67);

11 WHEREAS, the *Zabriskie* parties are not permitted to disclose the content of the  
12 December 26, 2018 order, but the parties expect the Ninth Circuit to file publicly its decision in  
13 *Zabriskie* in the near future;

14 WHEREAS, the parties agree that the case management conference and hearing on Fannie  
15 Mae’s motion for summary judgment should be held after the Ninth Circuit files its decision in  
16 *Zabriskie*;

17 WHEREAS, the parties further agree that class certification should be briefed after the  
18 hearing on Fannie Mae’s motion for summary judgment, and that ADR should be completed after  
19 the Court rules on plaintiff’s anticipated motion for class certification;

20 WHEREAS, the requested extension is not to unduly delay the prosecution of this action,  
21 but to provide the Court with argument and briefing that will permit a just and efficient  
22 determination of the issues raised in Fannie Mae’s motion for summary judgment and plaintiff’s  
23 anticipated motion for class certification;

24 THEREFORE, pursuant to Fed. R. Civ. P. 6(b), Civil L.R. 7-7(b), and Civil L.R. 6-2(a),  
25 the parties stipulate and respectfully request that the Court enter an Order extending certain  
26 deadlines in this case as follows; no other existing deadlines will be altered:

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Event	Deadline
Case management conference and hearing on Fannie Mae's motion for summary judgment	February 20, 2019 or as ordered by the Court
Plaintiff's motion for class certification	March 1, 2019
Defendant's opposition to class certification	April 10, 2019
Plaintiff's reply in support of class certification	April 24, 2019
Hearing on plaintiff's motion for class certification	May 8, 2019 or as ordered by the Court
Deadline to complete ADR	July 15, 2019

Respectfully submitted,

Dated: January 3, 2019

Dated: January 3, 2019

**FRANCIS & MAILMAN, P.C.**

**O'MELVENY & MYERS LLP**

/s/ James A. Francis

/s/ Danielle N. Oakley

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Having considered the parties' above Stipulated Scheduling Order, and for good cause shown,

**IT IS HEREBY ORDERED**, adopting the foregoing deadlines in this matter.

Dated: January 4, 2019

  
WILLIAM H. ORRICK  
U.S. DISTRICT COURT JUDGE

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Attestation

I hereby attest that the other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: January 3, 2019

O'Melveny & Myers LLP

By: /s/ Danielle N. Oakley  
Danielle N. Oakley