

SMOGER & ASSOCIATES

Gerson H. Smoger (SBN 79196)

gersonsmoger@gmail.com

Steven M. Bronson (SBN 246751)

steven.bronson@gmail.com

3175 Monterey Blvd

Oakland, CA, 94602-3560

Phone: (510) 531-4529

Fax: (510) 531-4377

ARBOGAST & BERNS LLP

David M. Arbogast (SBN 167571)

darbogast@law111.com

Jeffrey K. Berns, Esq. (SBN 131351)

jberns@law111.com

6303 Owensmouth Ave., 10th Floor

Woodland Hills, CA 91367-2263

Phone: (818) 961-2000

Fax: (818) 936-0232

[Additional counsel listed on signature page]

Attorneys for Plaintiffs and the Class

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION

ARMANDO PLASCENCIA, and MELANIA
PLASCENCIA, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

LENDING 1st MORTGAGE, LENDING 1st
MORTGAGE, LLC, EMC MORTGAGE
CORPORATION, and DOES 1 through 10
inclusive,

Defendants.

CASE NO. 4:07-cv-04485-CW

CLASS ACTION

**SECOND STIPULATION AND ORDER FOR
RELIEF FROM CASE MANAGEMENT
SCHEDULE PURSUANT TO LOCAL RULE
16-2(d)**

Complaint Filed: August 29, 2007
Trial Date: April 12, 2010

1 WHEREAS, on July 3, 2008, the Court entered a minute order and case management order
2 setting (“CM Order”), among other things, deadlines pertaining to discovery, and the date of trial;

3 WHEREAS, on October 15, 2009, the parties filed their proposed Stipulation and [Proposed]
4 Order for Relief from Case Management Schedule Pursuant to Local Rule 16-2(d);

5 WHEREAS, on October 19, 2009, the Court entered its Order Revising Case
6 Management Schedule;

7 WHEREAS, on December 16, 2009, the parties agreed to the entry of a proposed Stipulated
8 Protective Order to govern the production and handling of materials defendants claim are confidential.
9 The proposed Stipulated Protective Order was filed and then signed by Magistrate Judge Spero on
10 December 21, 2009.

11 WHEREAS Plaintiffs have requested substantial discovery from Defendants some of which
12 includes material which had been withheld pending entry of a protective order.

13 WHEREAS, on December 8, 2009, after protracted meet and confer efforts, Defendant Lending
14 1st provided supplemental responses to Plaintiffs First Set of Requests for Production of Documents that
15 were originally served on March 27, 2008. In those supplemental responses, Lending 1st responded by
16 stating “Responding Party has no documents responsive to this request as all documents have been lost
17 or destroyed.” The deposition of Chris Lombardi, the principal at Lending 1st, is currently noticed for
18 January 11, 2010.

19 WHEREAS, the parties anticipate that the parties will require additional time to complete this
20 discovery.

21 THEREFORE, the Parties hereby stipulate to, and request that the Court approve, an extension
22 of the times in the Court’s Order Revising Case Management Schedule as follows:

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24

Pretrial or Trial Event	Current Deadline	Requested Deadline
25 Completion of Fact Discovery:	2/16/2010	7/23/2010
26 Disclosure of identities and 27 reports of Plaintiff’s expert witnesses:	2/16/2010	7/23/2010

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1	Disclosure of identities and reports of Defendants' expert witnesses:	3/16/2010	9/17/2010
2			
3			
4	Disclosure of identities and reports of expert witnesses (Rebuttal):	4/16/2010	10/18/2010
5			
6	Completion of Expert Discovery:	5/16/2010	11/19/2010
7	All case-dispositive motions to be heard at 2:00 P.M. on or before:	8/12/2010	2/24/2011
8	A Further CMC will also be held whether or not dispositive motions are filed.		
9			
10	Dispositive motions shall be filed by:	7/1/2010	1/10/2011
11			
12	Final Pretrial Conference at 2:00 P.M. on:	11/2/2010	5/10/2011
13	A 5 day Jury Trial will begin at 8:30 A.M. on:	11/15/2010	5/23/2011
14			

Respectfully submitted,

ARMANDO PLASCENCIA and
MELANIAPLASCENCIA

By their attorneys,

DATED: January 25, 2010

/s/ David M. Arbogast
David M. Arbogast
ARBOGAST & BERNS LLP
6303 Owensmouth Ave., 10th Floor
Woodland Hills, CA 91367-2263
Phone: (818) 961-2000
Fax: (818) 936-0232

Attorneys for Plaintiffs and the Class

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2 DATED: January 25, 2010

LENDING 1st MORTGAGE, LLC.

3 By its attorneys,

4
5 /s/ J. Thomas Aldrich
6 J. Thomas Aldrich
7 ERICKSEN, ARBUTHNOT
8 100 Howe Avenue, Suite 110 South
9 Sacramento, CA 95825-8201
10 Phone: (916) 483-5181

11 DATED: January 25, 2010

EMC MORTGAGE CORPORATION

12 By its attorneys,

13 /s/ Stephen R. Meinertzhagen
14 Stephen R. Meinertzhagen
15 **BURKE, WARREN, MCKAY & SERRITELLA,**
16 **P.C.**
17 330 North Wabash, 22n Floor
18 Chicago, Illinois 60611-3607
19 Phone: (415) 677-5602;
20 Facsimile: (415) 956-0439
21 *Attorneys for Defendants*

22 PURSUANT TO THE PARTIES STIPULATION, IT IS SO ORDERED.

23
24 1/25/10
25 Date: _____



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HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE