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11 *[Additional counsel listed on signature page]*
 Attorneys for Plaintiffs and the Classes

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA - OAKLAND DIVISION**

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

19 Plaintiffs,)

20 v.)

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

24 Defendants.)

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

CLASS ACTION

**THIRD 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 a proposed Stipulation and [Proposed] Order
4 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 Management
6 Schedule;

7 WHEREAS, on January 5, 2010, the parties filed a Second Stipulation and [Proposed] Order for
8 Relief from Case Management Schedule Pursuant to Local Rule 16-2(d);

9 WHEREAS, on January 25, 2010, the Court entered its Order Revising Case Management
10 Schedule;

11 WHEREAS, on December 9, 2009, Plaintiffs noticed the deposition Chris Lombardi, the
12 principal at Defendant Lending 1st Mortgage (“Lending 1st”), along with requests to produce
13 documents;

14 WHEREAS, on January 5, 2010, Lending 1st provided supplemental responses to Plaintiffs’
15 discovery which stated that “Responding Party no longer has any documents related to this action as all
16 documents responsive to this request have been lost or destroyed”;

17 WHEREAS, after protracted meet-and-confer efforts, and numerous continuances, the deposition
18 of Chris Lombardi was finally taken on May 18, 2010, but was not concluded after it was revealed that a
19 computer server exists, and that the deponent had made no effort to search the server for relevant
20 documents that would be responsive to the document requests included in the deposition notice.
21 Counsel for Defendant Lending 1st, has subsequently provided a list of fields and the parties are
22 working on searches to extract relevant information concerning the Class;

23 WHEREAS, the parties anticipate that they will require additional time to complete this
24 discovery because the server is likely to contain relevant information that has not yet been produced by
25 Lending 1st,

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

28

Pretrial or Trial Event	Current Deadline	Requested Deadline
Completion of Fact Discovery:	7/23/2010	12/20/2010
Disclosure of identities and reports of Plaintiff's expert witnesses:	7/23/2010	12/20/2010
Disclosure of identities and reports of Defendants' expert witnesses:	9/17/2010	2/14/2011
Disclosure of identities and reports of expert witnesses (Rebuttal):	10/18/2010	3/16/2011
Completion of Expert Discovery:	11/19/2010	4/18/2011
All case-dispositive motions to be heard at 2:00 P.M. on or before:	2/24/2011	7/21/2011
Dispositive motions shall be filed by:	1/10/2011	6/7/2011
Final Pretrial Conference at 2:00 P.M. on:	5/10/2011	10/4/2011
A 5 day Jury Trial will begin at 8:30 A.M. on:	5/23/2011	10/18/2011

Agreed and stipulated to:

DATED: August 13, 2010

ARMANDO PLASCENCIA and
MELANIAPLASCENCIA

By their attorneys,

/s/ David M. Arbogast
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Attorneys for Plaintiffs and the Classes

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1 DATED: August 13, 2010

LENDING 1st MORTGAGE, LLC.

2 By its attorneys,

3 /s/ J. Thomas Aldrich

4 J. Thomas Aldrich

5 ERICKSEN, ARBUTHNOT

6 100 Howe Avenue, Suite 110 South

7 Sacramento, CA 95825-8201

8 Phone: (916) 483-5181

9 *Attorneys for Defendant Lending 1st Mortgage,*
10 *LLC*

11 DATED: August 13, 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.**

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18 Chicago, Illinois 60611-3607

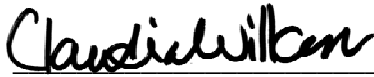
19 Phone: (415) 677-5602;

20 Facsimile: (415) 956-0439

21 *Attorneys for Defendant EMC Mortgage Corp.*

22 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED, **EXCEPT THAT THE**
23 **TRIAL WILL BEGIN ON OCT. 17. A CMC WILL BE ON 7/21/11 AT 2 P.M.**

24 Date: August 13, 2010

25 

26 CLAUDIA WILKEN

27 UNITED STATES DISTRICT JUDGE