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[Additional counsel listed on signature page]

Attorneys for Plaintiffs and the Classes

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

**FOURTH 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 January 25, 2010, the Court entered its Order Revising Case Management
2 Schedule (Dkt. No. 199); and

3 WHEREAS on August 13, 2010, the parties filed, and the Court entered, a Third Stipulation and
4 Order for Relief from Case Management Schedule Pursuant to Local Rule 16-2(d) because Defendant
5 Lending 1st needed to identify and produce relevant information from Defendant Lending 1st's
6 computer server (Dkt. No. 201); and

7 WHEREAS on November 5, 2010, Magistrate Judge Spero entered an Order requiring
8 Defendant Lending 1st to produce all relevant data on its server by November 19, 2010:

9 WHEREAS Defendant Lending 1st thereafter produced over 90,000 pages of data over a rolling
10 period ending December 10, 2010, which will take considerable time for Plaintiffs to review and
11 analyze; and

12 WHEREAS Defendant EMC Mortgage Corp. produced over 1500 emails during the week of
13 November 18, 2010, which Plaintiffs have just finished reviewing, and which has, in turn, triggered
14 follow-up discovery requests;

15 WHEREAS Plaintiffs require additional time to complete follow-up discovery on the large
16 productions that have been received within the past few weeks;

17 WHEREAS, the date for disclosure of Plaintiffs' experts and expert report is December 20, 2010
18 and Plaintiffs need additional time to review the recent productions by Defendants so as to determine
19 whether additional experts or opinions are necessary;

20 WHEREAS Plaintiffs intend to file a motion, pursuant to Fed. R. Civ. P. 23(c)(2)(B), for this
21 Court's approval of class notice within the next ten days, likely time period for distribution of notice
22 will be 14 days after Court approval, and return of opt-out requests will be approximately 90 days after
23 the class notice is mailed; and

24 WHEREAS Defendant EMC Mortgage Corp. has advised Plaintiffs of its desire to depose a
25 number of absent class members after the expiration of the notice and opt-out period, and Plaintiffs'
26 position is that Defendants should not be permitted to take discovery of absent class members;

27 ///

28 ///

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6 *Attorneys for Plaintiffs and the Classes*

7 DATED: December 15, 2010

8 LENDING 1st MORTGAGE, LLC.

9 By its attorneys,

10 /s/ J. Thomas Aldrich

11 J. Thomas Aldrich
12 ERICKSEN, ARBUTHNOT
13 100 Howe Avenue, Suite 110 South
14 Sacramento, CA 95825-8201
15 Phone: (916) 483-5181

16 *Attorneys for Defendant Lending 1st Mortgage,
17 LLC*

18 DATED: December 15, 2010

19 EMC MORTGAGE CORPORATION

20 By its attorneys,

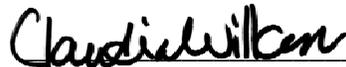
21 /s/ Stephen R. Meinertzhagen

22 Stephen R. Meinertzhagen
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24 SERRITELLA, P.C.
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Attorneys for Defendant EMC Mortgage Corp.

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

Date: December 15, 2010



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE