

Attorneys for Plaintiff JORGE SOTO and the Proposed Classes

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

|                                    |   |  |
|------------------------------------|---|--|
| JORGE SOTO                         | } | Case No.:C09 02842 PJH                       |
|                                    |   |  |
| Plaintiff,                         |   |  |
|                                    |   |  |
| vs.                                |   |  |
|                                    |   |  |
| COMMERCIAL RECOVERY SYSTEMS, INC., | } | <b>STIPULATION AND <del>[PROPOSED]</del></b> |
| CHASE HOME FINANCE LLC,            |   | <b>ORDER FURTHER EXTENDING</b>               |
|                                    |   | <b>DEADLINES TO FILE MOTIONS</b>             |
|                                    |   | <b>FOR CLASS CERTIFICATION AND</b>           |
|                                    |   | <b>MOTION FOR SUMMARY</b>                    |
|                                    |   | <b>JUDGMENT</b>                              |
| Defendants.                        |   |  |

WHEREAS, on November 19, 2009, a Case Management Conference was held in this matter;

WHEREAS, at the Case Management Conference, it was determined that plaintiff Jorge Soto shall file a motion for class certification by March 3, 2010, and Defendant Commercial Recovery Systems, Inc. (“CRS”) shall file a motion for summary judgment by April 7, 2010;

WHEREAS, a Minute Order was prepared and filed with the court on November 20, 2009 which set forth the above-referenced deadlines;

STIPULATION AND ~~PROPOSED~~ ORDER FURTHER EXTENDING DEADLINES TO FILE MOTIONS FOR CLASS CERTIFICATION AND MOTION FOR SUMMARY JUDGMENT

1 WHEREAS, on February 16, 2010, the parties submitted a Stipulation and Order which  
2 was subsequently entered which extended plaintiff's deadline for filing a motion for class  
3 certification to June 2, 2010 and CRS' deadline for filing a summary judgment motion to July 7,  
4 2010 (docket #34, #35);

5 WHEREAS, on May 14, 2010, the parties submitted a Stipulation and Order which was  
6 subsequently entered which extended plaintiff's deadline for filing a motion for class  
7 certification to September 1, 2010 and CRS' deadline for filing a summary judgment motion to  
8 October 6, 2010 (docket #36, #37);

9 WHEREAS, on August 25, 2010, the parties submitted a Stipulation and Order which  
10 was subsequently entered which extended plaintiff's deadline for filing a motion for class  
11 certification to December 1, 2010 and CRS' deadline for filing a summary judgment motion to  
12 January 6, 2010 (docket #38, #39);

13 WHEREAS, plaintiff has propounded three separate sets of discovery on CRS, and has  
14 taken the deposition of CRS's deposition pursuant to FRCP 30;

15 WHEREAS, discovery disputes have existed between the parties, but following a lengthy  
16 meet and confer process, CRS is now in the process of responding to plaintiff's requests for class  
17 discovery, i.e. information relevant to plaintiff's planned motion for class certification;

18 WHEREAS, plaintiff has sought information on potential class members from CRS in  
19 order to obtain information as to whether such individuals fall within the class definition;

20 WHEREAS, the parties have made significant efforts to address issues related to privacy  
21 rights associated with the requested information;

22 WHEREAS, the parties have agreed on a process by which potential class members will  
23 be sent a letter which provides them the opportunity to opt-out of having their information  
24 provided to plaintiff's counsel - a process similar to that described in *Stone v. Advance America*,  
25 2009 WL 4722924 (S.D. Cal. 2009);

26 WHEREAS, the parties have agreed that putative class members will have 45 days to  
27 respond to opt-out of the class;

28  
STIPULATION AND ~~PROPOSED~~ ORDER FURTHER EXTENDING DEADLINES TO FILE MOTIONS FOR  
CLASS CERTIFICATION AND MOTION FOR SUMMARY JUDGMENT

1 WHEREAS, because CRS has only limited information concerning the loans, once the  
2 information is provided, plaintiff will likely have to obtain more information from Chase Home  
3 Finance, LLC, (from whom CRS originally obtained the loans for collection purposes)  
4 concerning the loans to ascertain whether they fall within the class definition;

5 WHEREAS, it is anticipated that the steps outlined above will take 4-6 months to  
6 complete;

7 WHEREAS, the parties agree that due to these discovery issues, the deadlines for the two  
8 motions should be further extended approximately 180 days, and therefore request that plaintiff's  
9 deadline for filing a motion for class certification be extended to May 2, 2011 and CRS' deadline  
10 for filing a summary judgment motion be extended to June 6, 2011.

11 WHEREAS, defendant CRS wishes to have the discretion to file its summary judgment  
12 motion prior to plaintiff filing his motion for class certification;

13  
14 **SO STIPULATED**

15 Dated: November 23, 2010

LAW OFFICE OF WILLIAM E. KENNEDY

17 By: /s/  
18 William E. Kennedy  
19 Attorneys for Plaintiff JORGE SOTO and the Proposed  
Classes

20 Dated: November 23, 2010

SKANE WILCOX LLP

21 By: /s/  
22 David A. Eligator  
23 Attorneys for Defendant Commercial Recovery Systems,  
Inc.

24 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

25 William E. Kennedy, attest that concurrence in the filing of this document has been  
26 obtained from the other signatories.

27 I declare under penalty of perjury that the foregoing is true and correct.

28 STIPULATION AND ~~PROPOSED~~ ORDER FURTHER EXTENDING DEADLINES TO FILE MOTIONS FOR  
CLASS CERTIFICATION AND MOTION FOR SUMMARY JUDGMENT

1 Executed on November 23, 2010 at Santa Clara, California.

2  
3 Dated: November 23, 2010

LAW OFFICE OF WILLIAM E. KENNEDY

4 By: /s/  
5 William E. Kennedy  
6 Attorneys for Plaintiff JORGE SOTO and the Proposed  
7 Classes

8 **ORDER**

9 Pursuant to stipulation, plaintiff's deadline for filing a motion for class certification is  
10 May 2, 2011 and CRS' deadline for filing a summary judgment motion is June 6, 2011.  
11 Defendant CRS has discretion to file its motion for summary judgment prior to plaintiff filing his  
12 motion for class certification if it chooses to do so.

13 Date: 11/30/2010

14   
Hon. Phyllis J. Hamilton