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

14 JORGE SOTO) 15) 16 Plaintiff,) 17 vs.) 18 COMMERCIAL RECOVERY SYSTEMS, INC.,) CHASE HOME FINANCE LLC,) 19 Defendants.) 20) 21)	Case No.:C09 02842 PJH STIPULATION AND [PROPOSED] ORDER FURTHER EXTENDING DEADLINES TO FILE MOTIONS FOR CLASS CERTIFICATION AND MOTION FOR SUMMARY JUDGMENT AND EXTENDING MEDIATION DEADLINE AS MODIFIED BY THE COURT
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22 WHEREAS, on November 19, 2009, a Case Management Conference was held in this
 23 matter;

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

27 WHEREAS, a Minute Order was prepared and filed with the court on November 20,

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1 2009 which set forth the above-referenced deadlines;

2 WHEREAS, on February 16, 2010, the parties submitted a Stipulation and Order which
3 was subsequently entered which extended plaintiff's deadline for filing a motion for class
4 certification to June 2, 2010 and CRS' deadline for filing a summary judgment motion to July 7,
5 2010 (docket #34, #35);

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

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

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

16 WHEREAS, on November 23, 2010, the court entered an order pursuant to stipulation
17 which extended plaintiff's deadline for filing a motion for class certification to May 2, 2011, and
18 CRS' deadline for filing a summary judgment motion to June 6, 2011;

19 WHEREAS, plaintiff has requested from CRS a 90 day extension of time to file its
20 motion for class certification. Plaintiff contends that the extension of the class certification
21 deadline is necessary because plaintiff had to bring a motion to compel to obtain certain
22 information it needed from CRS to bring its motion to certify. The motion to compel was
23 granted in part and CRS was ordered to send a letter to putative class members providing them
24 the opportunity to opt out of disclosure of their property addresses and loan numbers. That letter
25 was sent out on April 5, 2011. The available information will be produced to plaintiff the week
26 of April 25th, 2011. Plaintiff contends that it must then subpoena information concerning the
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1 loans to the original creditor Chase Home Finance in order to be able to ascertain which
2 individuals are putative class members. Plaintiff contends that the delay has been the fault of
3 CRS based on the need to bring the motion to compel. CRS disagrees. CRS initially opposed
4 the extension on the basis that the case has been ongoing for almost 2 years and its belief that
5 plaintiff has had sufficient time to prepare its motion to certify. However, in the interest of
6 judicial economy and professional courtesy, CRS nonetheless agrees to the proposed extension.

7 WHEREAS, on April 22, 2011, the parties engaged in a telephonic conference with
8 Howard Herman, with the Court's ADR Program. Mr. Herman noted that the parties had earlier
9 agreed to mediation of this case, and had been ordered to do so before January 24, 2010 (Docket
10 #17). Mr. Herman noted that the ADR Program did not follow up with the parties, and the
11 parties did not pursue the matter, and the deadline passed. The parties, however, agree that
12 mediation will not be productive before a class certification motion is decided. Accordingly, the
13 parties believe that the mediation deadline should be October 31, 2011 – approximately 90 days
14 after the filing date for the motion to compel. This will allow time for the motion to be decided,
15 and for the parties to prepare for mediation.

16 The parties therefore stipulate that plaintiff shall have until July 31, 2011 to file its
17 motion for class certification and CRS shall have until October 17, 2011 to file its motion for
18 summary judgment. The parties further request that the mediation deadline be set as October 31,
19 2011.

20 **SO STIPULATED**

21 Dated: April 27, 2011

LAW OFFICE OF WILLIAM E. KENNEDY

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23 By: /s/
24 William E. Kennedy
25 Attorneys for Plaintiff JORGE SOTO and the Proposed
26 Classes
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