

1 Stephen R. Jaffe, State Bar No. 49539  
 LAW OFFICES OF STEPHEN R. JAFFE  
 2 101 California Street, Suite 2450  
 San Francisco, CA 94111  
 3 Phone: (415) 618-0100  
 Fax: (415) 618-0080  
 4 E-mail: stephen.r.jaffe@jaffetriallaw.com  
 Attorney for Plaintiffs,  
 5 FREDERICK J. CASISSA and  
 ELIZABETH RIGGINS

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 7 Steven R. Blackburn, State Bar No. 154797  
 Andrew J. Sommer, State Bar No. 192844  
 EPSTEIN BECKER & GREEN, P.C.  
 8 One California Street, 26th Floor  
 San Francisco, California 94111-5427  
 9 Telephone: 415.398.3500  
 Facsimile: 415.398.0955  
 10 E-mail: sblackburn@ebglaw.com  
 E-mail: asommer@ebglaw.com  
 11 Attorneys for Defendant,  
 BANK OF AMERICA, N.A. (as successor in interest  
 12 to Merrill Lynch Bank and Trust Company, FSB)

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

15 FREDERICK J. CASISSA,  
 16  
 Plaintiff,

17 v.

18 FIRST REPUBLIC BANK, a division of  
 19 MERRILL LYNCH BANK AND TRUST,  
 FSB, DOE 1 through DOE 20,

20 Defendants.

21  
 22 ELIZABETH RIGGINS,  
 23  
 Plaintiff,

24 v.

25 FIRST REPUBLIC BANK, a division of  
 26 MERRILL LYNCH BANK AND TRUST,  
 FSB, DOE 1 through DOE 20,

27 Defendants.  
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CASE NO. C 09 04129 CW  
 CASE NO. C 09 04130 CW  
 (Consolidated Cases)

**STIPULATION AND [~~PROPOSED~~]  
 ORDER CONTINUING TRIAL AND  
 RESETTING PRETRIAL DEADLINES**

Removal Filed: September 4, 2009  
 Trial: June 4, 2012

1 **STIPULATION**

2 The parties, by and through their respective counsel of record, stipulate to continue trial  
3 and reset pretrial deadlines based on the following facts:

4 1. On July 19, 2011, the Court granted the parties' Stipulation and Proposed Order  
5 Continuing Trial and Resetting Pretrial Deadlines in connection with Defendant's motion filed  
6 on July 7, 2011. Consequently, the Court continued the trial from December 20, 2011 to June 4,  
7 2012, and reset the pretrial conference for May 22, 2012. The Court reset the pretrial deadlines  
8 as follows: November 18, 2011 for the fact and expert discovery cutoff, October 7, 2011 for  
9 expert disclosures, October 21, 2011 for rebuttal expert disclosures, and September 29, 2011 for  
10 the hearing on dispositive motions and further case management conference.

11 2. The parties request that the trial date and pretrial deadlines contained in the  
12 Court's July 19, 2011 Order be continued. Pursuant to the Clerk's Notice Re: Stipulation dated  
13 July 21, 2011, the Court requires that the hearing on dispositive motions be at least 90 days  
14 before the trial date. Based on the present trial date and the Court's availability, the soonest that  
15 dispositive motions can be heard is early February 2011. Dispositive motions would then need  
16 to be filed by January 2011, which would not allow sufficient time to complete discovery in  
17 advance of that deadline.

18 3. As set forth in Defendant's Motion to Continue Trial and Reset Pretrial  
19 Deadlines, the complexity of the legal issues and substantial volume of e-discovery have  
20 prevented the parties from timely completing initial discovery. The electronic production will  
21 not be complete until September 2011, at the very earliest, and depositions cannot commence  
22 until after the remaining documents are produced. The parties anticipate that depositions will  
23 begin in late 2011 and continue through early 2012.

24 4. Accordingly, to ensure that discovery is completed by the deadline for filing  
25 dispositive motions and consistent with the Clerk's Notice, the parties request that the trial be  
26 continued from June 4, 2012 to August 20, 2012, and that the pretrial conference be continued  
27 from May 22, 2012 to August 7, 2012. The parties further request that the hearing on dispositive

1 motions and further case management conference be continued from September 29, 2011 to May  
2 17, 2012, and that the deadline for fact and expert discovery be continued from November 18,  
3 2011 to May 15, 2012. Defense counsel has recently confirmed with Judge Wilken's Courtroom  
4 Deputy that the dates requested for continuing the trial and hearings/conferences are available.

5 5. Because the parties will not be in a position to designate expert witnesses  
6 until next year after completing depositions, they further request that the deadlines for  
7 designating expert witnesses be continued from October 7, 2011 to April 1, 2012 and for  
8 designating rebuttal experts be continued from October 21, 2011 to April 15, 2012.

9 DATED: July 29, 2011

LAW OFFICES OF STEPHEN R. JAFFE

11 By: /s/ Stephen R. Jaffe  
12 Stephen R. Jaffe  
13 Attorney for Plaintiffs FREDERICK J.  
14 CASISSA and ELIZABETH RIGGINS

15 DATED: July 29, 2011

EPSTEIN BECKER & GREEN, P.C.

17 By: /s/ Andrew J. Sommer  
18 Steven R. Blackburn  
19 Andrew J. Sommer  
20 Attorneys for Defendant  
21 BANK OF AMERICA, N.A.

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**[PROPOSED] ORDER**

Pursuant to the stipulation, the pretrial scheduling order is hereby modified and the trial date and pretrial deadlines are continued as follows: The trial shall be continued from June 4, 2012 to August **21**, 2012 and the pretrial conference continued from May 22, 2012 to August 7, 2012. The hearing on dispositive motions and further case management conference shall be continued from September 29, 2011 to May 17, 2012. The deadline for fact and expert discovery shall be continued from November 18, 2011 to May 15, 2012. The deadlines for designating expert witnesses shall be continued from October 7, 2011 to April 1, 2012 and for designating rebuttal witnesses shall be continued from October 21, 2011 to April 15, 2012.

IT IS SO ORDERED.

Dated: **8/2/2011**

  
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HONORABLE CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE