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15 [Additional counsel on signature page]

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **OAKLAND DIVISION**

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 20 VIRGIL A. BAKER, CHARLES B. LOWERY,  
 ELIZABETE LOWERY, ELLANORE  
 21 LARGENT and DAVID LARGENT,  
 individually and on behalf of all others similarly  
 22 situated,

23 Plaintiffs,

24 v.

25 AEGIS WHOLESALE CORPORATION,  
 RESIDENTIAL FUNDING COMPANY, LLC,  
 26 COUNTRYWIDE HOME LOANS, INC., and  
 DOES 3 through 19 inclusive,

27 Defendants.

Case No. 4:09-cv-05280-PJH

**JOINT STIPULATION AND ORDER RE:  
 ADJOURNING CASE DEADLINES;  
 [PROPOSED] ORDER**

Judge: Hon. Phyllis J. Hamilton



1           4.       By Order dated April 5, 2011 (Dkt. No. 82), this Court originally set September 7,  
2 2011 as the deadline for Plaintiffs' class certification motion, October 5, 2011 as the deadline for  
3 Defendants' oppositions, October 26, 2011 as the deadline for Plaintiffs' reply submissions and  
4 November 16, 2011 as the date for the hearing on Plaintiff's class certification motion.

5           5.       Thereafter, in light of the then scheduled July 29, 2011 class certification hearing in  
6 *Ralston*, this Court extended the class certification briefing and hearing deadlines as follows: (a)  
7 December 22, 2011 for Plaintiffs' class certification motion, (b) January 31, 2012 for Defendants'  
8 oppositions, (c) February 28, 2012 for Plaintiffs' reply submissions, and (d) March 14, 2012 for  
9 the hearing on Plaintiffs' class certification motion. *See Order* (August 19, 2011) (Dkt. No. 88).

10          6.       Since the entry of that scheduling order, the class certification hearing in *Ralston*  
11 has been continued to December 9, 2011 to provide time for an unsuccessful mediation in that  
12 case and account for Judge Fogel's schedule.

13          7.       In light of the continuance of the class certification hearing in *Ralston*, and because  
14 of the potential overlap between *Ralston* and this case, the Parties respectfully request that this  
15 Court (a) adjourn the class certification briefing and hearing date, including the December 22,  
16 2011 deadline for Plaintiffs' class certification motion, the January 31, 2012 deadline for  
17 Defendants' oppositions, the February 28, 2012 deadline for Plaintiffs' reply submissions and the  
18 March 14, 2012 class certification hearing date; and (b) set a new schedule providing for a May 4,  
19 2012 deadline for Plaintiffs' class certification motion, a June 1, 2012 deadline for Defendants'  
20 oppositions, a June 29, 2012 deadline for Plaintiffs' replies and a July 25, 2012 class certification  
21 hearing date, subject to the Court's availability.

22          8.       Additionally, the Parties have also agreed to dates for the exchange of expert  
23 witness and rebuttal expert witness reports for class certification, such that they respectfully  
24 request that this Court set March 16, 2012 as the deadline for the Parties to designate class  
25 certification expert witnesses and serve their reports and April 13, 2012 as the deadline for the  
26 Parties to designation class certification rebuttal expert witnesses and serve their reports.  
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9. The Parties respectfully submit that there is good cause for this joint request. The requested adjournment will conserve the Parties’ and this Court’s resources and avoid the potentially unnecessary expenditure of attorneys’ fees and other litigation costs while the parties in *Ralston* litigate the class certification motion in that case. See Fed. R. Civ. P. 1 (federal rules “should be construed and administered to secure the just, speed, and inexpensive determination of every action and proceeding”).

10. No party will be prejudiced by the requested extensions.

11. There have been two prior extensions or adjustments of the deadlines set forth in this Joint Stipulation, as set forth above.

WHEREFORE, for all the foregoing reasons, the Parties jointly request that this Court (a) temporarily adjourn the class certification briefing and other deadlines, including the September 7, 2011 deadline for Plaintiffs’ class certification motion, the October 5, 2011 deadline for Defendants’ oppositions, the October 26, 2011 deadline for Plaintiffs’ reply submissions and the November 16, 2011 class certification hearing date; and (b) set a new schedule providing for a March 16, 2012 deadline for the Parties to designate class certification expert witnesses and serve their reports, an April 13, 2012 deadline for the Parties to designate class certification rebuttal expert witnesses and serve their reports, a May 4, 2012 deadline for Plaintiffs’ class certification motion, a June 1, 2012 deadline for Defendants’ oppositions, a June 29, 2012 deadline for Plaintiffs’ replies and a July 25, 2012 class certification hearing date.

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Dated: November 28, 2011

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Dated: November 28, 2011

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Dated: November 28, 2011

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**ORDER**

Upon consideration of the Parties' Stipulation and having good cause therefore, **IT IS HEREBY ORDERED** that (a) the existing class certification deadlines and hearing date in the case are adjourned; and (b) the new class certification briefing schedule and hearing date are as follows: The Parties shall designate class certification expert witnesses and serve their reports by March 16, 2012, the Parties shall designate class certification rebuttal expert witnesses and serve their reports by April 13, 2012, Plaintiffs shall file their class certification motion by May 4, 2012, Defendants' shall file their opposition submissions to the motion by June 1, 2012, Plaintiffs' shall file their reply submissions in further support of the motion by June 29, 2012, and the class certification hearing will be held at 9:00 A.M. on July 25, 2012.

**IT IS ORDERED.**

Dated: December 20, 2011



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**ECF CERTIFICATION**

Pursuant to General Order No. 45, § X.B., the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: November 28, 2011

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By: /s/ Lee A. Weiss

Attorneys for Plaintiffs



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**PROOF OF SERVICE**

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on this November 28, 2011.

/s/ Lee A. Weiss  
Lee A. Weiss