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

19 MAUDER and ALICE CHAO;	)	<b>CONSOLIDATED CASE NO.</b>
DEOGENESO and GLORINA PALUGOD;	)	CV-10-3118-SBA
20 AND	)	
21 MARITZA PINEL	)	<b>JOINT STIPULATION TO MODIFY</b>
	)	<b>PRE-TRIAL SCHEDULE</b>
22 on behalf of themselves and all others similarly	)	Hon. Sandra B. Armstrong
23 situated,	)	Hon. Laurel Beeler
	)	
24 Plaintiff(s),	)	
	)	
25 v.	)	
	)	
26 AURORA LOAN SERVICES, LLC,	)	
	)	
27 Defendant(s).	)	
28 _____	)	

1 Plaintiffs Mauder and Alice Chao, Deogeneso and Glorina Palugod, and Maritza Pinel  
2 (collectively, “Plaintiffs”) and defendant Aurora Loan Services, LLC (“Aurora”) (collectively, the  
3 “Parties”) hereby stipulate and agree, and request the Court modify the pre-trial schedule, as  
4 follows.

5 **I. BACKGROUND**

6 This putative class action concerns Aurora’s mortgage loan “workout agreements,” also  
7 known as “special forbearance agreements.” The Parties incorporate by reference their respective  
8 factual statements of the case from the Parties’ prior Consolidated Joint Case Management  
9 Statement (Doc. # 59), and Joint Stipulation to Modify the Pre-Trial Schedule. Doc. # 92.

10 Over the past six months, the Parties have engaged in extensive discovery. Discovery  
11 remains open until March 8, 2013.

12 On September 18, 2012, pursuant to the existing pre-trial schedule (Doc. # 93), Plaintiffs  
13 filed their Motion for Class Certification. Doc. # 108.

14 On September 24, 2012, Aurora filed a Motion to Strike or, in the Alternative, to Stay  
15 Briefing on Plaintiffs’ Motion for Class Certification. Doc. # 115. Aurora also filed a Motion for  
16 Expedited Briefing/Hearing on the Motion to Strike on the same date. Doc. # 116. Plaintiffs’  
17 opposition to the Motion to Strike is due to be filed on Tuesday, October 9, 2012.

18 The deadline to amend pleadings in this case has not passed. Under Fed. R. Civ. P.  
19 15(a)(1)(B)(2), Plaintiffs intend to file a Second Consolidated Amended Complaint (“SCAC”). A  
20 copy of the proposed SCAC was provided to Aurora on October 1, 2012, and Aurora has agreed to  
21 stipulate to its filing.

22 The Parties have agreed to the amendments to the pre-trial schedule described further below.  
23 Although these amendments restart the briefing schedule on Plaintiffs’ Motion for Class  
24 Certification to account for the filing of the SCAC, the remaining pre-trial schedule—including the  
25 fact discovery cutoff and trial dates—remains unchanged.

1     **II.     STIPULATION**

2             First, Aurora has reviewed the proposed SCAC and stipulates to its filing, without waiver of  
3     its right to file a response to the SCAC under Rule 12. Pursuant to this stipulation, Plaintiffs will file  
4     the SCAC on October 4, 2012.

5             Second, Aurora's deadline to file a Rule 12 motion in response to the SCAC shall be  
6     October 22, 2012. Plaintiffs' opposition to Aurora's Rule 12 motion shall be due on November 5,  
7     2012 and Aurora's reply shall be due on November 12, 2012.

8             Third, if this stipulation permitting re-filing is approved by the Court, Plaintiffs will  
9     withdraw their Motion for Class Certification filed on September 18, 2012 and file a new Motion  
10    for Class Certification on or before November 16, 2012.

11            Fourth, Aurora's deadline to file its opposition to Plaintiffs' Motion for Class Certification  
12    shall be December 28, 2012 and Plaintiffs' reply in support of their Motion for Class Certification  
13    shall be filed on January 21, 2013.

14            Fifth, Aurora shall take the depositions of the named Plaintiffs during the week of December  
15    3, 2012, or at such other mutually agreeable time.

16            Sixth, Aurora agrees to withdraw its Motion to Strike (Doc. # 115) and Motion for  
17    Expedited Briefing on the Motion to Strike (Doc. # 116).

18            Seventh, the parties agree that Aurora's Motion for Judgment on the Pleadings (Doc. #97) is  
19    not rendered moot by the filing of the SCAC. Any ruling on the merits on said Motion will apply  
20    equally to the SCAC. The hearing on Aurora's Motion for Judgment on the Pleadings shall remain  
21    on October 23, 2012 at 1:00 p.m.

22            Eighth, in accordance with the foregoing agreements, the Parties hereby request that the  
23    Court amend the existing pre-trial schedule as follows:

<b>Matter</b>	<b>Current Date<sup>1</sup></b>	<b>Proposed Date</b>
Plaintiffs file stipulated SCAC	(none)	October 4, 2012
Hearing on Motion for Judgment on the Pleadings	October 23, 2012; 1:00 p.m.	October 23, 2012; 1:00 p.m. (no change)
Aurora files Rule 12 motion in response to the SCAC	(none)	October 22, 2012
Plaintiffs file opposition to Aurora's Rule 12 motion in response to the SCAC	(none)	November 5, 2012
Aurora files reply in support of its Rule 12 motion in response to the SCAC	(none)	November 12, 2012
Plaintiffs file their Motion for Class Certification	(none)	November 16, 2012
Hearing on Aurora's Rule 12 motion in response to the SCAC	(none)	December 4, 2012 at 1:00 p.m.
Aurora files Opposition to Motion for Class Certification	October 16, 2012	December 28, 2012
Plaintiffs file Reply in Support of Motion for Class Certification	October 30, 2012	January 21, 2013
Class Certification Hearing	December 4, 2012	January 29, 2013, at 1:00 p.m. or as otherwise set by the Court
Fact Discovery Cut-Off	March 8, 2013	March 8, 2013 (no change)
Rule 26(a)(2) Expert Designations and Reports	March 8, 2013	March 8, 2013 (no change)
Mandatory Settlement Conference	During the Month of May 2013	During the Month of May 2013 (no change)
Rule 26(a)(2) Rebuttal Expert Designations and Reports	March 29, 2013	March 29, 2013 (no change)

<sup>1</sup> The "Current Dates" are derived from the Court's Order Modifying Pre-Trial Schedule. Doc. # 93 (June 15, 2012).

Expert Discovery Cut-Off	April 19, 2013	April 19, 2013 (no change)
Final Filing Date for Dispositive Motions	Court does not set	Court does not set (no change)
Motions Hearing Cut-Off	April 30, 2013	April 30, 2013 (no change)
Pretrial Documents Due	June 11, 2013	June 11, 2013 (no change)
Motions in limine / objections to evidence	June 18, 2013	June 18, 2013 (no change)
Oppositions to motions in limine / objections to evidence	June 25, 2013	June 25, 2013 (no change)
Replies to motions in limine / objections to evidence	July 2, 2013	July 2, 2013 (no change)
Final Pre-Trial Conference	July 16, 2013 at 1:00 p.m.	July 16, 2013 at 1:00 p.m. (no change)
Trial Estimated (if class certified) 5-10 Court Days	July 29, 2013 at 8:30 a.m.	July 29, 2013 at 8:30 a.m. (no change)

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for Plaintiffs and Aurora, upon consent of the Court, that:

The pretrial schedule is MODIFIED as set forth herein, and

Aurora's Motion to Strike (Doc. # 115) and Motion for Expedited Briefing on the Motion to Strike (Doc. # 116) are hereby WITHDRAWN.

Date: October 4, 2012

**ARNOLD & PORTER LLP**

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Date: October 4, 2012

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Attorneys for Plaintiffs and the proposed Class

IT IS SO ORDERED.

Dated 10/11/12

  
The Honorable Sandra B. Armstrong  
United States District Judge

## GENERAL ORDER 45 ATTESTATION

In accordance with General Order 45, concurrence in the filing of this document has been obtained from each of the signatories and I shall maintain records to support this concurrence for subsequent production for the court if so ordered or for inspection upon request by a party.

Dated: October 4, 2012

ARNOLD & PORTER LLP

By: /s/ John R. Danos  
John R. Danos

Attorneys for Defendant  
AURORA LOAN SERVICES LLC