

1 JOHN R. DANOS (CA SBN 210964)
 john.danos@aporter.com
 2 TIFFANY M. IKEDA (CA SBN 280083)
 tiffany.ikeda@aporter.com
 3 ARNOLD & PORTER LLP
 777 South Figueroa, 44th Floor
 4 Los Angeles, CA 90017-5844
 Telephone: 1.213.243.4000
 5 Facsimile: 1.213.243.4999

6 Attorneys for Defendant
 Aurora Loan Services, LLC
 7 [Additional counsel on signature page]

8 STEVE W. BERMAN (Pro Hac Vice)
 THOMAS E. LOESER (CA SBN 202724)
 9 HAGENS BERMAN SOBOL SHAPIRO LLP
 1918 Eighth Avenue, Suite 3300
 10 Seattle, WA 98101
 Telephone: 1.206.623.7292
 11 Facsimile: 1.206.623.0594
 steve@hbsslw.com
 12 toml@hbsslw.com

13 Attorneys for Plaintiffs and the Class
 14 [Additional counsel on signature page]

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

19 MAUDER and ALICE CHAO;)	CONSOLIDATED CASE NO.
DEOGENESO and GLORINA PALUGOD;)	CV-10-3118-SBA
20 AND)	
21 MARITZA PINEL)	JOINT STIPULATION AND REQUEST
)	FOR A STAY PENDING CLASS
22 on behalf of themselves and all others similarly)	CERTIFICATION RULING
23 situated,)	
)	Hon. Sandra B. Armstrong
)	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 to Order, as follows.

4 **I. BACKGROUND**

5 This putative class action concerns Aurora’s mortgage loan “workout agreements,” also
6 known as “special forbearance agreements.” The Parties incorporate by reference their respective
7 factual statements of the case from the Parties’ prior Consolidated Joint Case Management
8 Statement (Doc. # 59), and Joint Stipulation to Modify the Pre-Trial Schedule. Doc. #186.

9 Plaintiffs’ Renewed Motion for Class Certification (Doc. # 149) is fully briefed and remains
10 pending. The hearing on the Motion, originally scheduled for February 12, 2013, was taken off
11 calendar by the Court.

12 A mandatory settlement conference is scheduled to take place on May 21, 2013 before
13 Magistrate Judge Nathanael Cousins, and the parties must file settlement statements by May 14,
14 2013. Doc. # 195.

15 Under the current pre-trial schedule, fact discovery is scheduled to close on July 26, 2013.
16 Doc. # 193. Approximately ninety (90) days remain in the fact discovery period as of the filing of
17 this stipulation.

18 The Parties agree that the forthcoming ruling on the Renewed Motion for Class Certification
19 will have significant implications on (a) any settlement conference or mediation, and (b) the
20 remaining fact and expert discovery to be taken in the case, in particular deposition discovery. The
21 Parties are thus in agreement that postponing the settlement conference and staying deposition
22 discovery until after the Court issues its ruling on class certification is both cost-effective and in the
23 interests of judicial efficiency.

24 For clarity, the Parties do not seek to stay their ongoing written discovery and do not seek to
25 stay their ability to advance ongoing discovery disputes before Judge Beeler (which particularly
26 includes the Court’s ability to order a Rule 30(b)(6) deposition). The Parties specifically envision
27 that the ninety (90) days currently remaining in the fact discovery period will be preserved and
28

1 maintained such that the fact discovery cut-off shall be set for at least ninety (90) days from the date
2 that any such stay is lifted.

3 Accordingly, the Parties request the Court to Order as follows:

- 4 1. The current pre-trial schedule (Doc. # 193) is vacated;
- 5 2. The settlement conference scheduled for May 21, 2013 (Doc. #195) is taken off
6 calendar;
- 7 3. The parties will engage in a settlement conference or private mediation within thirty
8 (30) days after the Court issues a ruling on the Renewed Motion for Class
9 Certification;
- 10 4. The parties must file a joint status report and/or proposed revised pretrial schedule 45
11 days after the Court issues a ruling on the Renewed Motion for Class Certification;
- 12 5. The case, including all discovery except as provided below, is stayed until and
13 through 45 days after the Court issues a ruling on the Renewed Motion for Class
14 Certification; and
- 15 6. Discovery that has already been served will not be stayed, including discovery
16 pursuant to Judge Beeler's discovery Orders in this case. The Parties will not serve
17 new sets of discovery requests or note percipient witness depositions during the
18 pendency of the requested stay.

19
20 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel
21 for Plaintiffs and Aurora, upon consent of the Court, that:

22 The case is PARTIALLY STAYED as set forth above and the pretrial schedule MODIFIED
23 as set forth herein.

24
25 Date: April 26, 2013

ARNOLD & PORTER LLP

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

27 JOHN R. DANOS (CA SBN 210964)
john.danos@aporter.com
28 ARNOLD & PORTER LLP

1 777 South Figueroa, 44th Floor
2 Los Angeles, CA 90017-5844
3 Telephone: 1.213.243.4000
4 Facsimile: 1.213.243.4999

5 DAVID B. BERGMAN (*pro hac vice*)
6 david.bergman@aporter.com
7 IAN S. HOFFMAN (*pro hac vice*)
8 ian.hoffman@aporter.com
9 ARNOLD & PORTER LLP
10 555 Twelfth Street, NW
11 Washington, DC 20004-1206
12 Telephone: 1 202.942.5000
13 Facsimile: 1.202.942.5999

14 Attorneys for Defendant
15 Aurora Loan Services, LLC

16 Date: April 26, 2013

17 **HAGENS BERMAN SOBOL SHAPIRO LLP**

18 By: /s/ Thomas E. Loeser
19 Thomas E. Loeser

20 Steve W. Berman (*Pro Hac Vice*)
21 Thomas E. Loeser (202724)
22 HAGENS BERMAN SOBOL SHAPIRO LLP
23 1918 Eighth Avenue, Suite 3300
24 Seattle, WA 98101
25 (206) 623-7292
26 steve@hbsslaw.com
27 toml@hbsslaw.com

28 Andrew Oldham (144287)
LAW OFFICE OF ANDREW OLDHAM
901 Campisi Way, Suite 248
Campbell, CA 95008
Telephone: (888) 842-4930

T. Christopher Tuck
RICHARDSON, PATRICK, WESTBROOK &
BRICKMAN, LLC
1037 Chuck Dawley Blvd., Bldg A
PO Box 1007
Mt. Pleasant, SC 29464
(843) 727-6515
ctuck@rpwb.com


Ali Abtahi (224688)
Idene Saam (258741)
ABTAHI LAW FIRM

1 1528 S. El Camino Real, Suite 204
2 San Mateo, CA 94402
3 Tel: (650) 341-1300
4 Fax: (650) 341-1303
5 aabtahi@abtahilaw.com
6 isaam@abtahilaw.com

Attorneys for Plaintiffs and the proposed Class

7 IT IS SO ORDERED.

8
9 Dated 5/29, 2013


The Honorable Sandra B. Armstrong
United States District Judge

