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11 BANK OF NEW YORK CORPORATION

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

16 Khawil and Salma Ibrahim, Individuals,) Case No. 3:11-cv-00802-SBA
17 Plaintiff,)
18 v.)
19 MortgageIt, Inc., a New York Corporation,)
20 and Bank of New York Corporation, a New)
21 York corporation; and Does 1 through 100,)
22 inclusive,)
23 Defendants.)
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**JOINT STIPULATION REQUESTING
CONTINUANCE OF PRE-TRIAL AND
TRIAL DATES; [PROPOSED] ORDER**

Honorable Saundra Brown Armstrong
Complaint Filed: February 19, 2010
Trial Date: September 24, 2012

1 Pursuant to Civil Local Rules 6-1 and 6-2, Plaintiffs KHAWIL IBRAHIM and SALMA
2 IBRAHIM ("Plaintiffs"), and Defendant BANK OF NEW YORK CORPORATION (collectively
3 the "Parties") submit this stipulation requesting an order continuing the trial date and all
4 corresponding pre-trial deadlines.

5 WHEREAS, the current pre-trial dates and deadlines are as follows:

- 6 A. Discovery cut-off February 29, 2012.
- 7 B. Expert Designation February 29, 2012.
- 8 C. Rebuttal disclosure March 14, 2012.
- 9 D. Expert Discovery completion April 11, 2012.
- 10 E. Hearing on all motions including dispositive motions June 15, 2012 .
- 11 F. Settlement Conferences before a Magistrate Judge in July 2012.
- 12 G. The Pretrial Conference September 18, 2012.
- 13 H. Pretrial Preparations and Documents August 21, 2012.
- 14 I. Motions in Limine and Objections to Evidence August 28, 2012 .
- 15 J. Responses to motions in limine or objections to evidence September 4, 2012.
- 16 K. Replies to motions in limine or objections to evidence September 11, 2012 .
- 17 L. Trial Date September 24, 2012.

18 WHEREAS, the parties are in discussions regarding the evaluation of Plaintiffs for a
19 possible loan modification, and the Parties need additional time to complete this review.

20 WHEREAS, the parties have a mediation scheduled for February 22, 2012, only a week
21 before the discovery cut-off.

22 WHEREAS, all parties believe that the extension of time will facilitate early settlement of
23 this matter, including the loan modification review process.

24 WHEREAS, this Stipulation is the first request by either party in this case to continue the
25 Trial Date and trial-related dates.

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JOINT STIPULATION

2 NOW, THEREFORE, Plaintiffs, and Defendant Bank of New York Corporation, by and
3 through their respective counsel of record, hereby agree and request this Court to continue all pre-
4 trial and trial dates by three months as listed below:

- A. Discovery cut-off from February 29, 2012 to May 29, 2012.
- B. Expert Designation from February 29, 2012 to May 29, 2012.
- C. Rebuttal disclosure from March 14, 2012 to June 14, 2012.
- D. Expert Discovery completion from April 11, 2012 to July 11, 2012.
- E. Hearing on all motions including dispositive motions from June 15, 2012 to on or September 14, 2012.
- F. Settlement Conferences before a Magistrate Judge from the month of July 2012 to month of October 2012.
- G. The Pretrial Conference from September 18, 2012 to December 18, 2012.
- H. Pretrial Preparations and Documents from August 21, 2012 to November 21, 2012.
- I. Motions in Limine and Objections to Evidence from August 28, 2012 to November 12, 2012.
- J. Responses to motions in limine or objections to evidence from September 4, 2012 to September 26, 2012.
- K. Replies to motions in limine or objections to evidence from September 11, 2012 to October 3, 2012.
- L. Trial Date from September 24, 2012 to December 17, 2012 or as soon as thereafter Court's schedule allows.

Dated: January 19, 2012

DE LA PEÑA & HOLIDAY LLP

By: /s/ Bonnie L. Portis
Bonnie L. Portis
Attorneys for Plaintiffs
KHAWIL IBRAHIM and SALMA IBRAHIM

1 Dated: January 23, 2012

BRYAN CAVE LLP

2 By: /s/ Ori Edelstein

3 Ori Edelstein

4 Attorneys for Defendant

5 BANK OF NEW YORK CORPORATION

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[PROPOSED] ORDER

Having reviewed the Stipulation of Plaintiffs Khalil Ibrahim and Salma Ibrahim (“Plaintiffs”), and Defendant Bank of New York Corporation, and good cause appearing, IT IS ORDERED THAT the pre-trial and trial dates to be extended by three months as listed below:

- A. Discovery cut-off shall be May 29, 2012.
- B. Expert Designation shall occur on or before May 29, 2012.
- C. Rebuttal disclosure shall occur on or before June 14, 2012.
- D. Expert Discovery completion shall occur on or before July 11, 2012.
- E. Hearing on all motions including dispositive motions shall occur on or before

September 11, 2012. ~~September 14, 2012.~~

F. Settlement Conferences before a Magistrate Judge shall occur in the month of October 2012.

G. The Pretrial Conference shall occur on **January 15, 2013 at 1:00 p.m.** ~~December 18, 2012~~

H. Pretrial Preparations and Documents shall be due on or before **November 20, 2012.** ~~November 21, 2012~~

I. Motions in Limine and Objections to Evidence shall be due on or before **November 27, 2012.** ~~November 28, 2012~~

J. Responses to motions in limine or objections to evidence shall be due on or before **December 4, 2012.** ~~November 26, 2012~~

K. Replies to motions in limine or objections to evidence shall be due on or before **December 7, 2012.** ~~December 3, 2012~~

L. Trial (5-day jury) ~~Date~~ shall commence on **January 28, 2013 at 8:30 a.m.** ~~be December 17, 2012 or as soon as thereafter as the Court's schedule allows.~~

Dated: 1-24-12

Saundra B. Armstrong
Honorable Saundra Brown Armstrong