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 7 JPMorgan Chase & Co. and JPMorgan  
 Chase Bank, N.A. for itself and as  
 8 successor by merger to Chase Home  
 Finance LLC

9  
 10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
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13 DIANA ELLIS, JAMES SCHILLINGER,  
 14 RONALD LAZAR, individually, and on  
 behalf of other members of the general  
 15 public similarly situated,

16 Plaintiffs,

17 vs.

18 J.P. MORGAN CHASE & CO., a  
 Delaware corporation, J.P. MORGAN  
 CHASE BANK, N.A., a national  
 19 association, for itself and as successor by  
 merger to Chase Home Finance, LLC, and  
 20 CHASE HOME FINANCE LLC, a  
 Delaware limited liability company,

21 Defendants.  
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Case Number: 4:12-cv-3897-YGR  
**CLASS ACTION**

[Related to Case Nos. C-12-00664-  
 YGR, C-12-3892-YGR,]

**JOINT STATEMENT AND  
 [PROPOSED] ORDER TO EXTEND  
 CASE DEADLINES BY 60-DAYS  
 PURSUANT TO COURT'S  
 NOVEMBER 20, 2014 ORDER**

Judge: Yvonne Gonzalez Rogers  
 Action filed: July 24, 2012  
 Trial Date: None Set

1 Consistent with the Court’s November 20, 2014 “Order Setting Compliance  
2 Hearing” (ECF No. 130), Plaintiffs Diana Ellis, James Schillinger and Ronald Lazar  
3 (“Plaintiffs”) and JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A., for itself and  
4 as the successor by merger to Chase Home Finance (“Chase” or “Defendants”) (together,  
5 the “Parties”) respectfully submit: (i) a Joint Statement “summarizing the status of the  
6 litigation and apprising the Court” of the need for a 60-day extension of the remaining  
7 pretrial deadlines; and (ii) “an accompanying proposed form of order” (the “Proposed  
8 Order”).

9 **I. JOINT STATEMENT**

10 On November 25, 2014, the Parties conducted a meet and confer and reached an  
11 agreement to submit this Joint Statement “summarizing the status of the litigation and  
12 apprising the Court of [the] need for deadline extensions.” The Parties agree that the  
13 following pretrial dates should be extended by 60 days as follows:

14

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed Extension</u>
15 Disclosure of Experts: Opening	December 22, 2014	February 20, 2015
16 Mediation Cutoff	January 15, 2015	March 16, 2015
17 Disclosure of Experts: Rebuttal	January 23, 2015	March 24, 2015
Expert Discovery Cutoff	February 20, 2015	April 21, 2015
18 Class Certification Motion	March 6, 2015	May 5, 2015
19 Class Certification Opposition	April 6, 2015	June 5, 2015
Class Certification Reply	May 6, 2015	July 6, 2015
20 Class Certification Hearing	May 26, 2015	July 24, 2015

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22 The Parties believe that this extension is warranted for the following reasons:

23 *First*, although Chase has produced transactional level data relating to 1.5 million  
24 loans going back to January 1, 2008, Chase contends that ongoing work is being done to  
25 validate that data. By way of background, Plaintiffs sought information concerning the  
26 number of property inspection fees Chase charged to borrowers and the amounts paid by  
27 those borrowers. In response, Chase represents that it began a data excavation and mining  
28

1 project that has required Chase to undertake, design, and program multiple iterations and  
2 queries in connection with millions of lines of data. Chase contends that, due to the  
3 complexity of the data mining project and the need to retrieve and mine data relating to  
4 legacy entities that Chase acquired by merger or other acquisitions, it is engaged in  
5 ongoing work to validate and verify the post-2008 datasets it produced prior to the  
6 discovery cutoff.

7 Chase represents that it is also in the process of producing pre-2008 data pursuant  
8 to an order of Magistrate Judge Spero. The Parties disagreed about whether loan level  
9 data should be provided for the time period from January 1, 2001 to December 31, 2007  
10 and submitted that dispute to Magistrate Judge Spero on October 21, 2014. (ECF No.  
11 114.) On October 29, 2014, Judge Spero ordered Chase to produce damages data back to  
12 2001 by January 27, 2015. (ECF No. 119.) As a result, Chase will not complete its  
13 production of loan level data going back to 2001 until well after the December 22, 2014  
14 deadline for initial expert reports and disclosures.

15 Extending the remaining pretrial deadlines for 60 days will ensure that each of the  
16 Parties' damages experts will have a complete, validated data set, including the pre-2008  
17 data subject to a production deadline of January 27, 2015, before expert witness reports  
18 are due. Moreover, to the extent that discussions between the Parties reveal a need for the  
19 production of any supplemental or corrected data, the extension would provide sufficient  
20 time for such productions to occur before expert reports are due.

21 **Second**, for similar reasons set forth in Chase's Response to and Joinder in  
22 Plaintiffs' Renewed Request for Pretrial Conference (ECF 115), extending the pretrial  
23 deadlines will enable the Parties to review and digest more than a million pages of ESI.  
24 Chase was able to produce the vast majority of responsive ESI documents by the  
25 November 21 deadline. However, due to the unanticipated large number of documents  
26 that Chase contends require redaction, the Parties stipulated to, and Judge Spero granted,  
27 an order allowing Chase to complete its production of redacted ESI by December 2, 2015.  
28 (ECF No. 129.) This leaves the Parties and their experts less than three weeks to review

1 and consider ESI in connection with their expert reports. Therefore, extending the  
2 deadlines by 60 days will provide the Parties and their experts with time to conduct their  
3 review of ESI and incorporate that information into their expert reports.

4 *Third*, there are four 30(b)(6) deposition topics which, although served and noticed  
5 for dates prior to the discovery cutoff deadline, have not yet been completed due to  
6 scheduling issues. One 30(b)(6) deposition topic relates to Chase's Broker's Price  
7 Opinion ("BPO") charges, as discussed in Plaintiffs' Renewed Request for Pretrial  
8 Conference. (ECF No. 111.) This deposition is scheduled to be taken on December 10,  
9 2014. Another 30(b)(6) topic relates to the relationship between J.P. Morgan Chase &  
10 Co. and Chase Bank, N.A. The Parties disagreed as to whether Plaintiffs were entitled to  
11 take the deposition and after submitting their dispute to Judge Spero, the Court ordered  
12 Chase to produce a witness for the deposition. (ECF No. 119.) The deposition is  
13 scheduled to be held on December 12, 2014. Another 30(b)(6) topic relates to the loan  
14 level data discussed above. Plaintiffs took this deposition on November 13, 2014, but the  
15 parties have agreed to continue that deposition to a second day in December that they are  
16 in the process of setting. Finally, a deposition concerning Chase's policies for charging  
17 borrowers fees for property inspections is scheduled to be taken on December 9, 2014.  
18 Extending the pretrial deadlines will allow the parties to complete these depositions on a  
19 cooperative basis and in time to allow for the incorporation of such discovery into the  
20 Parties' expert reports.<sup>1</sup>

21 The Parties therefore respectfully request that the following deadlines set in the  
22 May 19, 2014 Order (ECF No. 95) be extended by 60 days as follows:

- 23 1. Mediation Cutoff: March 16, 2015
- 24 2. Disclosure of Experts - Opening: February 20, 2015
- 25 3. Disclosure of Experts - Rebuttal: March 24, 2015
- 26 4. Expert Discovery Cutoff: April 21, 2015

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28 <sup>1</sup> Furthermore, as of the date of this filing, Defendants' motions to dismiss the RICO claims are still  
pending before the Court.

- 1 5. Class Certification Motion to be Filed: May 5, 2015
- 2 6. Class Certification Opposition to be Filed: June 5, 2015
- 3 7. Class Certification Reply to be Filed: July 6, 2015
- 4 8. Hearing on Motion for Class Certification: July 24, 2015 at 2 p.m.

5  
6 Dated: November 26, 2014

RESPECTFULLY SUBMITTED,

7 ARNOLD & PORTER LLP

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16 JPMorgan Chase & Co. and JPMorgan Chase  
17 Bank, N.A. for itself and as successor by merger  
18 to Chase Home Finance LLC

19  
20 In accordance with L.R. 5-4.3.4(a)(2)(i), the above signatory attests that the signatory  
21 below concurs in the contents of this filing and has authorized this filing.

22  
23 Dated: November 26, 2014

BARON & BUDD, P.C.

24 By:  /s/ "Mark Pifko"

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Attorneys for Plaintiffs Diana Ellis, James  
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behalf of other members of the public similarly  
situated

1 **[PROPOSED] ORDER**

2 The Court, having reviewed the contents of the Parties' Joint Statement, and finding  
3 good cause therein, hereby orders that the following deadlines set in the May 19, 2014  
4 Order (ECF No. 95) be extended by 60 days as follows:

- 5 1. Mediation Cutoff: March 16, 2015
- 6 2. Disclosure of Experts - Opening: February 20, 2015
- 7 3. Disclosure of Experts - Rebuttal: March 24, 2015
- 8 4. Expert Discovery Cutoff: April 21, 2015
- 9 5. Class Certification Motion to be Filed: May 5, 2015
- 10 6. Class Certification Opposition to be Filed: June 5, 2015
- 11 7. Class Certification Reply to be Filed: July 6, 2015
- 12 8. Hearing on Motion for Class Certification: July 24, 2015 at 2 p.m.

13 To the extent that the parties are still completing discovery responsive to discovery  
14 requests served prior to November 21, 2014, they shall use their best efforts to complete  
15 all such discovery or supplemental productions cooperatively and expeditiously within  
16 sixty days from November 21, 2014.

17  
18 Dated: December 2, 2014

  
19 Judge of the United States District Court