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ANNETTE D. KIRKHAM (STATE BAR NO. 217958)  
annettek@lawfoundation.org  
FAIR HOUSING LAW PROJECT  
LAW FOUNDATION OF SILICON VALLEY  
152 North Third Street, Third Floor  
San Jose, CA 95112  
Telephone: (408) 280-2410  
Facsimile: (408) 293-0106

Attorneys for Plaintiff HOWARD MULLINS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

HOWARD MULLINS,

Plaintiff,

v.

METROCITIES MORTGAGE dba NO  
RED TAPE MORTGAGE, a California  
Corporation, EVERHOME MORTGAGE  
COMPANY, a Florida Corporation and  
EMC MORTGAGE CORPORATION, a  
Texas Corporation

Defendants.

Case No. C07-06021 JF

JOINT PRELIMINARY PRETRIAL  
AND TRIAL SETTING  
CONFERENCE STATEMENT;  
[PROPOSED] ORDER

Date: May 28, 2010  
Time: 11:00 a.m.  
Ctrm 3

Honorable Jeremy Fogel

1 Plaintiff Howard Mullins ("Mr. Mullins"), Defendant Metrocities Mortgage  
2 ("Metrocities"), (collectively, "the Parties"), submit the following Preliminary Pretrial and Trial  
3 Setting Conference Statement ("Preliminary Statement").

4 **1. READINESS FOR TRIAL**

5 (a) **Mediation Efforts**

6 The Parties have made one unsuccessful effort to settle this matter through mediation.  
7 Mr. Mullins is hopeful that the parties can continue in their efforts to reach a compromise.

8 (b) **Remaining Discovery**

9 The Parties seek an extension of the discovery deadlines.

10 Mr. Mullins and the agents of Metrocities pursuant to Federal Rule of Civil  
11 Procedure 30(b)(6) remain to be deposed. Agreement has not been reached as to the dates and  
12 times for the depositions. If the Court is agreeable, the Parties request that discovery be extended  
13 until August 30, 2010.

14 (c) **Pending Motions**

15 Metrocities has filed a motion for summary judgment which is scheduled to be  
16 heard on July 2, 2010.

17 **2. CASE SCHEDULE**

18 As stated, because of outstanding depositions, the Parties request the following Amended  
19 Case Schedule:

<b>Event</b>	<b>Prior Deadline</b>	<b>Amended Deadline</b>
20 Close of all Discovery	March 26, 2010	August 30, 2010
21 Last Date for Hearing Dispositive Motions 22 (= 60 days after the Close of All 23 Discovery)	May 21, 2010	July 2, 2010
24 Further Preliminary Pretrial Conference at 25 11 a.m. 26 (= 30 days before the Close of All 27 Discovery)	May 28, 2010	September 17 2010
28 Further Preliminary Pretrial Conference Statements ( <i>Due 10 days before conference</i> )		September 7, 2010

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**3. AMOUNT OF TIME NEEDED, AND REQUESTED CALENDAR PERIOD FOR TRIAL**

Despite the extension of deadlines, the Parties anticipate being ready for trial in late September or early October trial dates in that period. The Parties request that the Court allocate 3-5 days for trial, including jury selection.

Dated: May 18, 2010 FAIR HOUSING LAW PROJECT

/s/ \_\_\_\_\_  
Annette D. Kirkham  
Attorneys for Plaintiff

Dated: May 18, 2010 PROUT LEVANGIE

/s/ \_\_\_\_\_  
John W. Beebe  
Attorneys for Defendant  
METROCITIES MORTGAGE

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Annette D. Kirkham, attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 18, 2010, in San Jose, California.

/s/ \_\_\_\_\_  
Annette D. Kirkham

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**[PROPOSED] ORDER**

Having reviewed the Preliminary Pretrial and Trial Setting Conference Statement of the Parties, the following Amended Case Management Schedule **IS ORDERED**:

<b>Event</b>	<b>Prior Deadline</b>	<b>Amended Deadline</b>
Close of all Discovery	March 26, 2010	August 20, 2010
Last Date for Hearing Dispositive Motions	May 21, 2010	July 2, 2010
Further Preliminary Pretrial Conference at 11 a.m.	May 28, 2010	September 17, 2010
Further Preliminary Pretrial Conference Statements		September 7, 2010

Further, **IT IS ORDERED** that the trial of this matter shall be set for 10/22, 2010 at 1:30 p.m. ~~a.m.~~ The Court will schedule 5 days for trial.

Dated: 5/25/10

  
United States District Judge Jeremy Fogel