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14   UNITED STATES DISTRICT COURT	
15 NORTHERN DISTRICT OF CALIFORNIA	
16 SAN JOSE DIVISION	
17       JAY RALSTON, individually and on behalf of all others similarly situated,       Case No. 5:08-CV-00536-JF (PSGx)	
18 JUINT STIPULATION AND PROPOSE OPDER RE- CASE DEADLINES	<b>[D]</b>
Plaintiff,   OKDER RE. CASE DEADLINES     19   PENDING SETTLEMENT DISCUSSION	NS
20     V.     Courtroom:     3 - 5th Floor       Judge:     Hon. Jeremy Fogel	
21 MORTGAGE INVESTORS GROUP, INC.; MORTGAGE INVESTORS GROUP, a general partnership; COUNTRYWIDE HOME	
22 LOANS, INC.; and DOES 3-10,	
23 Defendants.	
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JOINT STIPULATION AND [PROPOSED] ORDER RE:	
CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS 5:08-CV-00536-JF Docket	(PSGx) s.Justia.co

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## JOINT STIPULATION AND ORDER RE: CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS

Pursuant to Fed. R. Civ. P. 6(b), Jay J. Ralston ("Plaintiff") and defendants Countrywide Home Loans, Inc. ("CHL"), Mortgage Investors Group, Inc., and Mortgage Investors Group (collectively, "Defendants") hereby jointly stipulate and request the Court to extend the class certification briefing deadlines and hearing in this case in order to permit them to explore a potential resolution of this litigation in a mediation with the Honorable Edward A. Infante (Ret.) scheduled for August 2, 2011. In support of this Joint Stipulation, the parties state as follows:

8 1. This is a putative class action brought by Plaintiff against Defendants, asserting
9 claims for fraudulent omissions and violation of the UCL.

By Minute Order dated February 11, 2011 ("Order") (Dkt. No. 214) (adopting
 Defendants' proposed case schedule in Dkt. No. 208), this Court set various deadlines for class
 certification briefing, including a May 20, 2011 deadline for Plaintiff's class certification motion, a
 June 17, 2011 deadline for Defendants' opposition, and a July 15, 2011 deadline for Plaintiff's reply
 submissions.

15 3. In the Order, this Court also set July 29, 2011 as the hearing date for Plaintiff's class
16 certification motion.

Plaintiff filed his class certification motion on May 20, 2011, and thereafter filed a
corrected class certification motion on May 25, 2011.

Plaintiff and CHL have agreed to explore a potential resolution of this matter with the
 assistance of a third-party mediator, Judge Infante of JAMS, and have scheduled a mediation for
 August 2, 2011. This mediation date was the first available to Judge Infante, the parties and the
 parties' counsel.

6. In light of the pending mediation, the parties jointly request that this Court (a) extend
Defendants' deadline to file their class certification opposition submissions from June 17, 2011 to
August 30, 2011; (b) extend Plaintiff's deadline to file his reply submissions from July 15, 2011 to
September 30, 2011; and (c) reschedule the July 29, 2011 class certification hearing to October 14,
2011.

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1	7. The parties respectfully submit that there is good cause for this joint request. First,					
2	the requested brief extension of deadlines will permit Plaintiff and CHL to devote their attention and					
3	resources to preparing for and participating in the mediation. Churchill Village, L.L.C. v. General					
4	Electric, 361 F.3d 566 (9th Cir. 2004) (there is a strong judicial policy that favors class action					
5	settlements); Class Plaintiffs v. City of Seattle, 955 F.2d 1268, 1276 (9th Cir. 1992) (same). And,					
6	second, the request extension will conserve the parties' and this Court's resources and avoid the					
7	potentially unnecessary expenditure of attorneys' fees and other litigation costs while parties explore					
8	the possibility of a settlement. See Fed. R. Civ. P. 1 (federal rules "should be construed and					
9	administered to secure the just, speed, and inexpensive determination of every action and					
10	proceeding").					
11	8. No party will be prejudiced by the requested extensions.					
12	9. No prior extension or adjustment of the deadlines set forth in the Order has been					
13	sought by the parties.					
14	10. WHEREFORE, for all the foregoing reasons, the parties jointly request that this Court					
15	(a) extend Defendants' deadline to file their class certification opposition submissions from June 17,					
16	2011 to August 30, 2011; (b) extend Plaintiff's deadline to file his reply submissions from July 15,					
17	2011 to September 30, 2011; and (c) reschedule the July 29, 2011 class certification hearing to					
18	October 14, 2011. Respectfully submitted					
19	Respectivity submitted					
20	Dated: June 4, 2011 By: <u>/s/ Jeffrey K. Berns</u> DAVID M. ARBOGAST					
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	JOINT STIPULATION AND [PROPOSED] ORDER RE:CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS5:08-CV-00536-JF (PSGx)					

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	JOINT STIPULATION AND [PROPOSED] ORDER RE: CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS 5:08-CV-00536-JF (PSGx)

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	CASE DEADLINES PENDING SETTLEMENT DISCUSSIONS 5:08-CV-00536-JF (PSGx)				

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2	ORDER				
3	Upon consideration of the parties' Stipulation and having good cause therefore, <b>IT IS</b>				
4	<b>HEREBY ORDERED</b> that (a) Defendants' deadline to file their opposition submissions is extended				
5	from June 17, 2011 to August 30, 2011; (b) Plaintiff's deadline to file his reply submissions is				
6	extended from July 15, 2011 to September 30, 2011; and (c) the class certification hearing is				
7	rescheduled from July 29, 2011 to October 14, 2011.				
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9	IT IS ORDERED.				
10	Dated:, 2011				
11	HON. LE XEMY FOCE Unite States Distric Judge				
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