

1 DAVID R. ZARO (BAR NO. 124334)
 2 JOSHUA R. MANDELL (BAR NO. 225269)
 3 ALLEN MATKINS LECK GAMBLE
 4 MALLORY & NATSIS LLP
 5 515 South Figueroa Street, Ninth Floor
 6 Los Angeles, California 90071-3309
 7 Phone: (213) 622-5555
 8 Fax: (213) 620-8816

9 Attorneys for Defendant
 10 U.S. Bank, N.A., as Trustee for the LXS 2007-4N
 11 Trust

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 HENRY BOTELHO, an individual,
 15 Plaintiff,
 16 vs.
 17 MORTGAGEIT, INC., a New York
 18 corporation; INDYMAC BANK, F.S.B.;
 19 and U.S. BANK, N.A., as Trustee for the
 20 LXS 2007-4N Trust,
 21 Defendants.

Case No. 4:08-cv-04316 RS

[Assigned to Judge Hon. Richard Seeborg]

STIPULATION OF PARTIES TO
 MODIFY CASE MANAGEMENT
 SCHEDULING ORDER; [Proposed]
 ORDER THEREON

[N.D. Local Rule 16-2]

22 Plaintiff Henry Botelho ("Plaintiff") and Defendant U.S. Bank, N.A.
 23 ("Defendant"), by and through their respective attorneys of record, do hereby
 24 stipulate and agree that:

- 25 1. On April 1, 2010, the Court entered a Case Management Scheduling
 26 Order.
- 27 2. The parties are actively engaged in discussions that may result in a
 28 resolution of this matter without either side incurring additional litigation costs and
 fees.
3. The existing Scheduling Order contains the following discovery
 deadlines, which the parties seek to modify so that they may conclude their ongoing
 discussions without incurring additional expense or becoming unnecessarily

1 adversarial: (a) last day to complete all non-expert discovery (September 27, 2010),
2 (b) last day for plaintiff to disclose experts and reports (August 30, 2010), (c) last
3 day for defendant to disclose experts and reports (September 13, 2010), (d) last day
4 to complete all expert discovery (September 27, 2010).

5 4. In the interests of judicial economy, the parties stipulate and agree that
6 the discovery deadlines be continued by approximately 45 days as follows:

7 a. All non-expert discovery shall be completed by November 11, 2010.

8 b. On or before October 14, 2010, plaintiff shall disclose expert testimony
9 and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

10 c. On or before October 28, 2010, defendant shall disclose expert
11 testimony and reports in accordance with Federal Rule of Civil Procedure 26(a)(2).

12 d. On or before November 11, 2010, all discovery of expert witnesses
13 pursuant to Federal Rule of Civil Procedure 26(b)(4) shall be completed.

14 5. The parties have not previously sought to modify the Scheduling Order
15 in this matter.

16

17 IT IS SO STIPULATED.

18

19 Dated: August 19, 2010

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID R. ZARO
JOSHUA R. MANDELL

20

21

By: /S/ Joshua R. Mandell

22

JOSHUA R. MANDELL
Attorneys for Defendant
U.S. Bank, N.A.

23

24

25

26

27

28

