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6 Attorneys for Defendants Colonial Savings F.A.;
 and Mortgage Electronic Registration Systems, Inc.

7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

10
 11 LAURA ANN GENS,
 TIMOTHY GENS

CASE NO.: 11-CV-05526-RMW

12
 13 Plaintiffs,

~~PROPOSED~~ **JOINT STIPULATED
 MODIFIED SCHEDULING ORDER
 (CIVIL LOCAL RULE 7-12)**

14 vs.

15 COLONIAL SAVINGS, F.A., ASSOCIATED
 BANK, NATIONAL ASSOCIATION; AND
 16 MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC.

[Filed Concurrently with Attachment "A"
 hereto]

17
 18 Defendants.

Honorable District Judge Ronald M. Whyte

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 22 WHEREAS, this Court’s current Scheduling Order was made pursuant to a Joint
 23 Stipulated Modified Scheduling Order request, and is dated November 19, 2013 (the “Order”).

24 WHEREAS, At that time, this Court was advised that Plaintiffs intended to file their
 25 Second Amended Complaint alleging new facts, and that as such, the case was not yet at issue;
 26 therefore, this Court ordered that:

- 27 (1) Non-expert Discovery would be cut-off as of December 31, 2014;
- 28 (2) Expert Discovery would be cut-off as of January 31, 2014;

1 (3) All dispositive motions would be heard not later than February 14, 2014;

2 (4) A Pre-trial Conference is to be held March 20, 2014, at 2:00 pm,

3 (4) Trial is set to occur on April 7, 2014, at 9:30 a.m.

4 WHEREAS, as set forth above, since the Order Plaintiffs have since filed their Second
5 Amended Complaint (11/15/13), and Defendants filed their Motions to Dismiss (and Defendant
6 Colonial Savings' Motion to Strike) (12/2/2013); unfortunately, due to procedural issues
7 pertaining to service of defendants Colonial Savings' and MERS's respective motions, the date
8 for opposition was extended to (1/29/2014), when Plaintiffs filed their Opposition paperwork;
9 after hearing, the Court took the motions under submission, and to date, has not ruled on
10 defendants' motions to dismiss.

11 WHEREAS, defendant Associated's Motion to Dismiss was granted in its entirety
12 without leave to amend; the Court also Ordered at that time Plaintiffs' first, second, third,
13 eighth, and ninth causes of action be stricken due to issue preclusion and its prior Order on
14 September 3, 2013, dismissing these causes of action without leave to amend;

15 WHEREAS, due to the unresolved issues pertaining to Plaintiffs' operative complaint, as
16 well as Plaintiffs' indication in their Opposition paperwork that they be authorized to further
17 amend their complaint, issues to determine the nature and extent of discovery remains unclear;

18 WHEREAS, Further, while limited discovery has been afforded to both Plaintiffs and
19 Defendants, Defendants will be unfairly prejudiced if they cannot conduct further discovery
20 based upon the new allegations contained in Plaintiffs' Second Amended Complaint once the
21 matter is at issue, and the current discovery cut-off (December 31, 2013) has past.

22 WHEREAS, Further, since dispositive motions must have been heard by February 14,
23 2014, a date that has past, the Parties require an extension of that date, and all subsequent dates
24 affected thereby.

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1 ACCORDINGLY, IT IS HEREBY STIPULATED, by the Parties, subject to the approval
2 of the Court, that the dates set forth as Attachment "A" to the Joint Stipulated Scheduling Order
3 are modified as set forth in Attachment A hereto, and that the Court adopt those dates as the
4 Modified Scheduling Order in this action.

5 Respectfully submitted,

6 Dated: March 4, 2014

7 The Wolf Firm, a Law Corporation

8 By: /s/ Daniel K. Fujimoto

9 Daniel K. Fujimoto, Bar No. 158575
10 Attorneys for Defendants Colonial Savings F.A., and
11 Mortgage Electronic Registration Systems, Inc.

12 Dated: March 4, 2014

13 Plaintiff in Pro Per

14 By: Timothy H Gens

15 Timothy Gens

16 Dated: March 4, 2014

17 Plaintiff in Pro Per

18 By: Laura Gens

19 Laura Gens

20 **CASE MANAGEMENT ORDER**

21 IT IS HEREBY ORDERED THAT the dates set forth in Attachment "A" be adopted as
22 the Modified Scheduling Order, the Pretrial and Trial set by the Court's availability, and the
23 Parties shall be entitled to an additional 5 depositions and 20 interrogatories.

24 Dated: **3/18/14**

25 Ronald M. Whyte
26 Honorable Judge Ronald M. Whyte
27 United States Northern District Court
28

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15 LAURA ANN GENS,
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19 COLONIAL SAVINGS, F.A., ASSOCIATED
20 BANK, NATIONAL ASSOCIATION; AND
21 MORTGAGE ELECTRONIC
22 REGISTRATION SYSTEMS, INC.

23 Defendants.

CASE NO.: 11-CV-05526-RMW

**ATTACHMENT A TO ~~PROPOSED~~
JOINT STIPULATED MODIFIED
SCHEDULING ORDER (CIVIL
LOCAL RULE 7-12)**

[Filed Concurrently with Joint Modified
Scheduling [Proposed] Order]

Honorable District Judge Ronald M. Whyte

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ATTACHMENT "A"

<u>DATE:</u>	<u>EVENT:</u>
May 30, 2014	Non-expert discovery cut-off
June 30, 2014	Expert Discovery cut-off
July 25 2014	Last day to hear dispositive motions.
Aug 28 2014	Pretrial Conference
Sept 8 , 2014	Trial

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LAURA ANN GENS, et al,
Plaintiff,

Case Number: CV11-05526 RMW

CERTIFICATE OF SERVICE

v.

COLONIAL SAVINGS, F.A., et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 18, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Laura Ann Gens
4141 Old Trace Road
Palo Alto, CA 94306

Timothy H Gens
4141 Old Trace Road
Palo Alto,

Dated: March 18, 2014

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk