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E-FILED - 11/19/13

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

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

11 LAURA ANN GENS,
 12 TIMOTHY GENS

13 Plaintiffs,

14 vs.

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

19 Defendants.

CASE NO.: 11-CV-05526-RMW

12 ~~[PROPOSED]~~ JOINT STIPULATED
 13 MODIFIED SCHEDULING ORDER
 14 (CIVIL LOCAL RULE 7-12)

[Filed Concurrently with Attachment "A" hereto]

Honorable District Judge Ronald M. Whyte

22 WHEREAS, This Court's current Scheduling Order was made pursuant to the initial Case
 23 Management Conference which came regularly for hearing on May 17, 2013 (the "Order").

24 WHEREAS, At that time, this Court ordered that:

- 25 (1) Limited discovery was authorized (10 depositions and 25 interrogatories);
- 26 (2) All dispositive motions are to be held not later than December 13, 2013;
- 27 (3) A Pre-trial Conference is to be held February 13, 2014, at 2:00 pm,
- 28 (4) Trial is set to occur on March 10, 2014, at 9:30 a.m.

1 WHEREAS, At the time this Court issued the Order, the case was in its preliminary
2 stages.

3 WHEREAS, Since the Order the case has yet to be at issue, as Defendants filed their
4 Motions to Dismiss and, after hearing, the Court granted much of Defendants' motions to
5 Dismiss, but allowed Plaintiffs an opportunity to amend.

6 WHEREAS, after granting Plaintiffs' Ex Parte Application for an Order Enlarging Time
7 to File Their Second Amended Complaint dated October 21, 2013 ("Application"); this Court
8 issued an Order Granting the Application to Enlarge Time, which order is dated October 23,
9 2013 ("Order to Enlarge Time").

10 WHEREAS, based on the Order to Enlarge Time, Plaintiffs time to file their Second
11 Amended Complaint has been extended on and through November 15, 2013.

12 WHEREAS, Due to the fact that Plaintiffs have indicated their intent to file a Second
13 Amended Complaint with new facts to be alleged, this case is not yet at issue.

14 WHEREAS, Further, while limited discovery has been afforded to both Plaintiffs and
15 Defendants, Defendants will be unfairly prejudiced if they cannot conduct further discovery
16 based upon allegations which are likely to be contained in Plaintiffs' Second Amended
17 Complaint.

18 WHEREAS, Further, since dispositive motions must be heard by December 13, 2013,
19 Defendants require an extension of that date, and all subsequent dates 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: October 30, 2013

7 The Wolf Firm, a Law Corporation

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9 By: /s/ Daniel K. Fujimoto

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

13 Dated: October 30, 2013

14 Plaintiff in Pro Per

15 By: 

16 Timothy Gens

17 Dated: October 30, 2013

18 Plaintiff in Pro Per

19 By: 

20 Laura Gens

21 Dated: October 30, 2013

22 Hinshaw & Culbertson LLP

23 By: /s/ John T. Meno

24 John T. Meno
25 Attorneys for Defendants Associated Bank, National
26 Association

27 **CASE MANAGEMENT ORDER**

28 IT IS HEREBY ORDERED THAT the dates set forth in Attachment "A" be adopted as
the Modified Scheduling Order, the Pretrial and Trial set by the Court's availability, and the
Parties shall be entitled to an additional 5 depositions and 10 interrogatories.

Dated: _____

Honorable Judge Ronald M. Whyte
United States Northern District Court

1 Alan Steven Wolf, Bar No. 94665
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REGISTRATION SYSTEMS, INC.
17

18 Defendants.
19
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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>
December 31, 2013	Non-expert discovery cut-off
January 31, 2014	Expert Discovery cut-off
February 15 , 2014 14	Last day to hear dispositive motions.
March <u>20</u> , 2014	Pretrial Conference
April <u>7</u> , 2014	Trial

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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 November 19, 2013, I SERVED a true and correct copy of the ***Joint Stipulated Modified Scheduling Order E-Filed on 11/19/13***, by placing said copy in a postage paid envelope addressed to the person hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

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

Dated: November 19, 2013

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