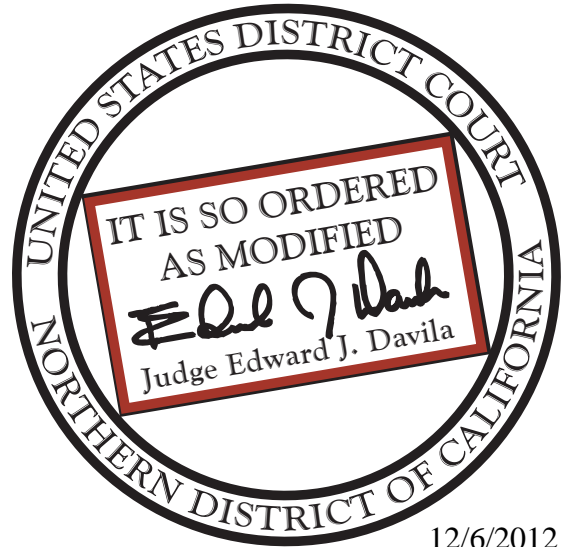


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11 Attorneys for Defendant
 SUNTRUST MORTGAGE INC.



13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

16 BERNIE FRAN CZAK, an individual
 17 Plaintiff,
 18 v.
 19 SUNTRUST MORTGAGE INC., a Virginia
 business entity; and Does 1-50, inclusive,
 20 Defendants.

Case No.: 12-CV-01453-EJD

Hon. Edward J. Davila

**STIPULATION TO EXTEND
 DISCOVERY DEADLINES AND
 PRETRIAL HEARING DATES ;
 [PROPOSED] ORDER AS MODIFIED**

Date Action Filed: February 17, 2012
 Trial Date: None Set

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STIPULATION

Plaintiff Bernie Franczak (“Plaintiff”) and Defendant Suntrust Mortgage, Inc. (“Defendant”), by and through their respective counsel, STIPULATE AND AGREE as follows:

WHEREAS, Plaintiff filed a Complaint on February 17, 2012;

WHEREAS on July 2, 2012, the Court issued a Case Management Order, setting a discovery and pretrial schedule in this case;

WHEREAS, the following schedule currently applies to this case:

EVENT	DEADLINE
Fact Discovery Cutoff	January 21, 2013
Designation of Opening Experts with Reports	February 4, 2013
Designation of Rebuttal Experts with Reports	February 18, 2013
Expert Discovery Cutoff	March 11, 2013
Deadline(s) for Filing Discovery Motions	<u>See</u> Civil Local Rule 37-3
Deadline for Filing Dispositive Motions	April 18, 2013
Preliminary Trial Conference	11:00 a.m. on December 13, 2013
Joint Preliminary Pretrial Conference Statement	December 3, 2013

WHEREAS, on September 12, 2012, the parties stipulated and agreed to a stay of litigation and all foreclosure proceedings of the Subject Property while they investigated the possibility of a loan modification;

WHEREAS, on September 14, 2012 the Court, having accepted the Parties’ stipulation, ordered all proceedings stayed for one hundred and twenty (120) days, up to and including January 9, 2013. Pursuant to that Order, the Court vacated the scheduled Motion to Dismiss Hearing;

WHEREAS, on November 27, 2012, Defendant Suntrust requested the Court reset its previously vacated Motion to Dismiss.

WHEREAS On November 28, 2012, the Court granted Defendant’s request to reset the hearing on Defendant’s Motion to Dismiss Plaintiff’s First Amended Complaint;

1 WHEREAS, Defendant's Motion to Dismiss Plaintiff's First Amended Complaint is
2 currently scheduled for March 8, 2013 at 9:00 a.m.,

3 Based on the foregoing and for good cause shown, the parties stipulate to the following
4 discovery and pretrial schedule and request the Court extend the previously set discovery and
5 pretrial deadlines as follows:

6 EVENT	DEADLINE
7 Fact Discovery Cutoff	July 30, 2013
8 Designation of Opening Experts with Reports	August 13, 2013
9 Designation of Rebuttal Experts with Reports	August 27, 2013
10 Expert Discovery Cutoff	September 10, 2013
11 Deadline(s) for Filing Discovery Motions	<u>See</u> Civil Local Rule 37-3
12 Deadline for Filing Dispositive Motions	October 15, 2013
13 Preliminary Trial Conference	April 14, 2014
14 Joint Preliminary Pretrial Conference Statement	April 4, 2014

15
16 Respectfully submitted,

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18 Dated: December 5, 2012

MELLEN LAW FIRM

19
20
21 By: /s/ Jessica Galletta
22 Jessica Galletta, Esq.
23 Attorneys for Plaintiff
BERNIE FRANCAZAK

24 Dated: December 5, 2012

WRIGHT, FINLAY & ZAK, LLP

25
26 By: /s/ Todd Chvat
27 Todd Chvat, Esq.
28 Attorney for Defendant
SUNTRUST MORTGAGE, INC.

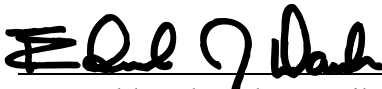
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~~PROPOSED~~ ORDER

Pursuant to the above Stipulation and good cause appearing, IT IS SO ORDERED that the following pretrial schedule is set for this case as:

EVENT	DEADLINE
Fact Discovery Cutoff	July 30, 2013
Designation of Opening Experts with Reports	August 13, 2013
Designation of Rebuttal Experts with Reports	August 27, 2013
Expert Discovery Cutoff	September 10, 2013
Deadline(s) for Filing Discovery Motions	See Civil Local Rule 37-3
Deadline for Filing Dispositive Motions	October 15, 2013
Preliminary Trial Conference	11:00 a.m. December 13, 2013
Joint Preliminary Pretrial Conference Statement	December 3, 2013

Dated: 12/6/2012



Honorable Edward J. Davila
United States District Judge