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12 Attorneys for Defendants
 13 ALLIED INTERSTATE LLC, SLM EDUCATION CREDIT
 FINANCE CORPORATION (erroneously sued as SLM
 14 EDUCATION FINANCE CORPORATION), SLM FINANCIAL
 CORPORATION and SALLIE MAE, INC.

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

18 DAVID R. PEREZ,
 19 Plaintiff,

20 v.

21 ALLIED INTERSTATE, LLC, SLM
 22 EDUCATION FINANCE CORPORATION,
 SLM FINANCIAL CORPORATION;
 23 SALLIE MAE, INC. AND DOES 1-10,
 INCLUSIVE,
 24 Defendants.

Case No. CV 12-03763 HRL

**JOINT MOTION AND STIPULATION FOR
 RELIEF FROM CASE MANAGEMENT
 SCHEDULE AND ~~PROPOSED~~ ORDER**

Complaint Filed: May 9, 2012
 Trial Date: February 24, 2013

1 **STIPULATION**

2 Plaintiff David R. Perez (“Plaintiff”) and his attorneys of record, The Katharine & George
3 Alexander Community Law Center, by Scott Maurer, attorney at law and Defendants Allied
4 Interstate LLC, SLM Education Credit Finance Corporation (erroneously sued as SLM Education
5 Finance Corporation), SLM Financial Corporation, and Sallie Mae, Inc. (collectively
6 “Defendants”), by their attorneys of record, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., by
7 Jill V. Cartwright, attorney at law, hereby stipulate to the following and respectfully move the
8 Court for an order changing the initial case management conference and ADR deadlines as follows:

9 1. **WHEREAS**, Plaintiff filed his Complaint on May 9, 2012 in the Santa Clara
10 Superior Court; and

11 2. **WHEREAS**, on July 18, 2012, Defendant Allied Interstate LLC removed the action
12 to the Northern District of California, San Jose Division, with all Defendants consenting to the
13 removal; and

14 3. **WHEREAS**, on January 2, 2013, the parties appeared before the Court at the initial
15 Case Management Conference (CMC). During the CMC, the Court assigned the case to Magistrate
16 Judge Howard R. Lloyd for a settlement conference. The Court also scheduled a further CMC for
17 April 2, 2013.

18 4. **WHEREAS**, the parties have been attempting to settle the case through negotiations
19 but have been unable to do so. The parties believe a settlement conference will be valuable and
20 help the parties reach settlement.

21 5. **WHEREAS**, the Court’s January 2, 2013 Minute Order and Case Management
22 Order mandates April 2, 2013 as the last day for ADR.

23 6. **WHEREAS**, whereas, to date, no settlement conference has been scheduled by the
24 Court or Magistrate Judge Lloyd. On or about March 14, 2013, Ms. Cartwright telephoned the
25 Court’s ADR Unit to inquire why no settlement conference had been scheduled. The ADR Unit
26 informed Ms. Cartwright that the case had been coded incorrectly and that they would fix this
27 issue. To date, the parties have not received any dates for a settlement conference.

28 7. **WHEREAS**, given the upcoming deadline to conduct the settlement conference—

1 without any settlement conferences dates yet provided—and the parties’ desire to attend a
2 settlement conference, the parties request relief from the current January 2, 2013 Minute Order and
3 Case Management Order by extending the deadlines in the Order for scheduling a settlement
4 conference.

5 8. **WHEREAS**, the parties met and conferred regarding the proposed continuance of
6 the further case management conference and deadlines within the January 2, 2013 Minute Order
7 and Case Management Order; and

8 9. **WHEREAS**, pursuant to Local Rule 16-2(d)-(e) and Local Rule 7, the parties hereby
9 submit this stipulation for relief from the case management schedule.

10 **NOW, THEREFORE**, the Parties, through their respective counsel of record **AGREE**
11 **AND HEREBY STIPULATE** to the following changes in the initial case management deadlines:

| 13 Deadline | Original Date | New Date |
|--|----------------------|-----------------|
| 14 Last day to: 15 Complete ADR (Settlement 16 Conference) | April 2, 2013 | April 26, 2013 |
| 17 Further CMC | April 10, 2013 | May 1, 2013 |
| 18 Fact Discovery Cutoff | June 28, 2013 | July 15, 2013 |

19
20 DATED: March 22, 2013

KATHARINE & GEORGE ALEXANDER
COMMUNITY LAW CENTER

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23 By: /s/ Scott Maurer
Scott Maurer

24 Attorney for Plaintiff
25 DAVID R. PEREZ

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DATED: March 22, 2013

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Jill V. Cartwright
Erica K. Rocush
Jill V. Cartwright

Attorneys for Defendants
ALLIED INTERSTATE LLC, SLM
EDUCATION CREDIT FINANCE
CORPORATION (erroneously sued as SLM
EDUCATION FINANCE CORPORATION),
SLM FINANCIAL CORPORATION and
SALLIE MAE, INC.

ATTESTATION PER GENERAL ORDER NO. 45 SECTION X.B.

I hereby attest that I have obtained concurrence in the filing of this document from each of
the signatories listed above.

DATED: March 22, 2013

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Jill V. Cartwright
Erica K. Rocush
Jill V. Cartwright

Attorneys for Defendants
ALLIED INTERSTATE LLC, SLM
EDUCATION CREDIT FINANCE
CORPORATION (ERRONEOUSLY SUED AS
SLM EDUCATION FINANCE
CORPORATION), SLM FINANCIAL
CORPORATION AND SALLIE MAE, INC.

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~~PROPOSED~~ ORDER

Pursuant to the Joint Stipulation for Relief from Case Management Schedule it is hereby ordered that the Case Management deadlines are modified as follows:

| Deadline | Original Date | New Date |
|--|----------------|----------------|
| Last day to: Complete ADR (Settlement Conference) | April 2, 2013 | April 26, 2013 |
| Further CMC | April 10, 2013 | May 1, 2013 |
| Fact Discovery Cutoff | June 28, 2013 | July 15, 2013 |

The parties shall contact Magistrate Judge Lloyd's Courtroom Deputy to schedule a settlement conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 1, 2013



 Hon. Lucy H. Koh
 Judge of the United States District Court

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