

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

1 Marc A. Lackner (SBN 111753)
 Email: mlackner@reedsmith.com
 2 David S. Reidy (SBN 225904)
 Email: dsreidy@reedsmith.com
 3 Matthew J. Brady (SBN 254333)
 Email: mbrady@reedsmith.com
 4 REED SMITH LLP
 101 Second Street, Suite 1800
 5 San Francisco, CA 94105-3659
 Telephone: +1 415 543 8700
 6 Facsimile: +1 415 391 8269

7 Attorneys for Defendants
 FIA Card Services, N.A.,
 8 Bank of America, N.A., and
 Bank of America Corporation
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10
 11 **IN THE UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN JOSE DIVISION**

14
 15 CAROL DUKE AND JACK POSTER, ON
 16 BEHALF OF THEMSELVES AND ALL
 OTHERS SIMILARLY SITUATED,

17 Plaintiffs,

18 vs.

19 BANK OF AMERICA, N.A.; BANK OF
 AMERICA CORPORATION; AND FIA
 20 CARD SERVICES, N.A.,

21 Defendants.

Case No. 5:12-cv-04009-EJD

**JOINT STATEMENT REGARDING
 STATUS OF MEDIATION AND
 SETTLEMENT DISCUSSIONS AND
 [PROPOSED] ORDER CONTINUING
 CASE MANAGEMENT CONFERENCE**

Date: December 7, 2012
 Time: 10:00 a.m.
 Crtm: 4
 The Honorable Edward J. Davila

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28 Case No. 5:12-cv-04009-EJD

JOINT STATEMENT REGARDING STATUS OF MEDIATION AND SETTLEMENT DISCUSSIONS

US_ACTIVE-111260232.2-BDSPOHNUS_ACTIVE-111273631.1-MJBRADYUS_ACTIVE-

1 Plaintiffs Carol Duke and Jack Poster, on behalf of themselves and all others similarly
2 situated ("Plaintiff") and defendants FIA Card Services, N.A., Bank of America, N.A. and Bank of
3 America Corporation ("Defendants") (collectively, the "Parties") hereby submit this following joint
4 statement regarding the status of mediation and settlement discussions.

5
6 On October 10, 2012, this Court entered an Order continuing the November 9, 2012, Case
7 Management Conference to December 7, 2012, at 10:00 a.m., and requested that the Parties file a
8 joint statement advising the Court of the status of mediation and settlement discussions no later than
9 November 30, 2012 (Dkt. 40). On October 23, 2012, the Parties participated in their first full-day
10 mediation session before the Honorable Edward A. Infante (Ret.). Since that time, the parties have
11 engaged in further voluntary discovery, including service of an additional set of interrogatories,
12 requests for production of documents, and a Rule 30(b)(6) deposition notice to Defendants;
13 additional document production; and scheduling multiple Rule 30(b)(6) depositions. The Parties
14 have scheduled a second full-day mediation session before Judge Infante on January 23, 2013.
15

16 The Parties respectfully request that the Court set a further Case Management Conference at
17 a date and time following January 23, 2013, to allow the parties to continue to engage in mediation
18 and report to the Court on mediation efforts.

19
20 DATED: November 30, 2012

REED SMITH LLP

21 By: /s/ Matthew J. Brady

22 Marc A. Lackner
23 David S. Reidy
24 Matthew J. Brady
25 Attorneys for Defendants
26 FIA Card Services, N.A.
27 Bank of America, N.A., and
28 Bank of America Corporation

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DATED: November 30, 2012

LIEF CABRASER HEIMANN & BERNSTEIN
LLP

By: /s/ Jonathan D. Selbin
Jonathan D. Selbin
Attorneys for Plaintiffs
Carol Duke and Jack Poster

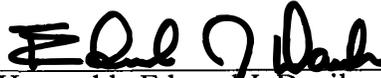
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[PROPOSED] ORDER

The December 7, 2012, case management conference is **CONTINUED** to
February 15, 2012/2013, at 10:00 AM/PM. The Parties shall file a joint statement
advising the Court of the status of mediation and settlement discussions no later than
February 8, 2013

SO ORDERED:

DATED: December 4, 2012

By: 
Honorable Edward J. Davila
United States District Court Judge