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Attorneys for Plaintiffs and all others Similarly Situated

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

DOROTHY PERALTA, STEVEN S. BIGVERDI and JAMES MOSCOSO, on behalf of themselves and others similarly situated,

Plaintiffs,

v.

COUNTRYWIDE HOME LOANS, INC. f/k/a AMERICAS WHOLESALE LENDER, COUNTRYWIDE HOME LOANS, INC., and COUNTRYWIDE BANK, FSB; and DOES 1 through 200, inclusive,

Defendants.

**CASE NO. 3:09-cv-03288-PJH**

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~ ORDER RE CONTINUING INITIAL CASE MANAGEMENT CONFERENCE AND RELATED DEADLINES**

Complaint filed: June 2, 2009  
Removal filed: July 17, 2009

1 **JOINT STIPULATION TO RESCHEDULE INITIAL CASE MANAGEMENT CONFERENCE**  
2 **AND EXTEND RELEVANT DEADLINES**

3 WHEREAS, on June 2, 2009, Plaintiffs, DOROTHY PERALTA, STEVEN S. BIGVERDI and  
4 JAMES MOSCOSO (“Plaintiffs”), filed their class action complaint in the Superior Court of California,  
5 Alameda County;

6 WHEREAS, on July 17, 2009, defendants named as COUNTRYWIDE HOME LOANS, INC.  
7 f/k/a AMERICAS WHOLESALE LENDER, COUNTRYWIDE HOME LOANS, INC., and  
8 COUNTRYWIDE BANK, FSB (“Defendants”), removed this action to this Court pursuant to 28 U.S.C.  
9 §§ 1331 and 1332;

10 WHEREAS, after Defendants' removal, this action was originally assigned to the Honorable  
11 James Larson;

12 WHEREAS, on July 17, 2009, Judge Larson issued an Order Setting Initial Case Management  
13 Conference and ADR Deadlines (the “July 17 Order”);

14 WHEREAS, on August 12, 2009, Plaintiffs filed their Motion to Remand before Judge Larson;

15 WHEREAS, by order dated August 14, 2009 (the “Reassignment Order”), the Clerk of the Court  
16 reassigned this case to this Court, the Honorable Phyllis J. Hamilton presiding;

17 WHEREAS, the Reassignment Order stated “ALL MATTERS PRESENTLY SCHEDULED  
18 FOR HEARING ARE VACATED AND SHOULD BE RENOTICED FOR HEARING BEFORE THE  
19 JUDGE TO WHOM THE CASE HAS BEEN REASSIGNED”;

20 WHEREAS, on August 14, 2009, Plaintiffs filed their Amended Notice of Motion to Remand for  
21 hearing on September 16, 2009 before this Court;

22 WHEREAS, on September 1, 2009, Defendants filed their Motion to Dismiss and Motion to  
23 Transfer Venue;

24 WHEREAS, pursuant to the stipulation of the parties and order of the Court, the hearing on  
25 Plaintiffs’ Motion for Remand and Defendants' Motions to Dismiss and Transfer Venue have been  
26 continued to November 4, 2009;

27 WHEREAS, on August 20, 2009, this Court (Hamilton, J.) issued an Order Setting Case  
28 Management Conference (the “August 20 Order”);

1 WHEREAS, the August 20 Order set a case management conference in this action for November  
2 5, 2009 -- the day after the current hearing date on Plaintiffs' Motion to Remand and Defendants'  
3 Motion to Dismiss and Transfer Venue -- and set October 30, 2009 as the deadline for the parties to file  
4 a joint case management statement;

5 WHEREAS, in light of the November 4, 2009 hearing date and to conserve this Court's and  
6 parties' resources pending resolution of the motions now before the Court, the parties agree that it is  
7 appropriate to continue the November 5 case management conference to December 10, 2009 (or a date  
8 thereafter available to the Court following resolution of the Motions;

9 WHEREAS, counsel for all parties are available on December 10, 2009;

10 WHEREAS, no party will be prejudiced by the relief requested in this Stipulation;

11 WHEREAS, on October 16, 2009, the Clerk of the Court issued its NOTICE RE:  
12 NONCOMPLIANCE WITH COURT ORDER concerning the ADR Deadline set forth in the July 17  
13 Order;

14 WHEREAS, pursuant to the Reassignment Order, the parties reasonably believed that the July 17  
15 Order and ADR deadlines set forth therein had been vacated in their entirety;

16 WHEREAS, in order to eliminate any issues going-forward with respect to the July 17 Order, the  
17 parties have agreed that it would be appropriate for this Court to vacate the July 17 Order and all  
18 deadlines set forth therein, including the ADR deadlines;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiffs, by  
20 their undersigned counsel, and Defendants, by their undersigned counsel, that (1) the Initial Case  
21 Management Conference set for November 5, 2009 should be rescheduled to December 10, 2009 (or a  
22 date thereafter convenient to the Court after resolution of the pending motions), (2) that all  
23 corresponding deadlines set forth in the August 20 Order shall be extended accordingly, and (3) the  
24 Court should vacate the July 17 Order and all deadlines set forth therein.

25 IT IS SO STIPULATED:

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1 DATED: October 26, 2009

Respectfully submitted,  
DOROTHY PERALTA, STEVEN S. BIGVERDI  
and JAMES MOSCOSO

3 By their attorneys,

4 /s/ David M. Arbogast  
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8 *Attorneys for Plaintiff*

10 DATED: October 26, 2009

COUNTRYWIDE HOME LOANS, INC. f/k/a  
11 AMERICAS WHOLESALE LENDER,  
COUNTRYWIDE HOME LOANS, INC., and  
12 COUNTRYWIDE BANK, FSB

13 By their attorneys,

14 /s/ Brooks R. Brown  
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18 *Attorneys for Defendants*

21 **[PROPOSED] ORDER**

22 Pursuant to the Stipulation of counsel, and for good cause shown, IT IS HEREBY ORDERED

23 that:

- 24 1. The Court's (Larsen, M.J.) July 17, 2009 Order Setting Initial Case Management  
25 Conference and ADR Deadlines, together with all deadlines set forth there, is vacated; and
- 26 2. The Initial Case Management Conference currently scheduled for November 5, 2009  
27 shall be continued to December 10 \_\_\_\_\_, 2010, with the parties' joint case management statement due  
28 not less than seven (7) days before the conference; and

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3. The Clerk of the Court shall issue new ADR Deadlines based upon the \_\_\_\_\_, 2010 Initial Case Management Conference date.

**IT IS SO ORDERED**

Dated: Oct. 30, 2009

