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4 **UNITED STATES DISTRICT COURT**  
5 **SOUTHERN DISTRICT OF CALIFORNIA**

6 PROFITWISE ACCOUNTING INC., a  
7 California corporation, individually and  
8 on behalf of all others similarly situated,

9 Plaintiff,

10 v.

11 BANK OF AMERICA, N.A., et al.,

12 Defendants.

Case No.: 20-cv-01395-MMA (WVG)

**ORDER GRANTING JOINT  
MOTION RE: SPECIAL BRIEFING  
SCHEDULE**

[Doc. No. 33]

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14 On October 12, 2020 the parties filed a joint motion requesting the Court set a  
15 special briefing schedule regarding the filing of an amended complaint by Plaintiff and  
16 anticipated response by Defendants. Upon due consideration, good cause appearing, the  
17 Court **GRANTS** the joint motion and **ORDERS** as follows:

- 18 1. Plaintiff may file an amended complaint, if it so chooses, on or before  
19 **October 16, 2020;**
- 20 2. Bank of America, N.A., JPMorgan Chase Bank, N.A., Pacific Enterprise  
21 Bank, and ReadyCap Lending, LLC must then respond on or before  
22 **November 16, 2020;**
- 23 3. Defendants' joint motion to dismiss, that shall not exceed 30 pages, must  
24 be filed on or before **November 16, 2020;**
- 25 4. Any Defendant who believes it has additional issues not addressed in the  
26 joint motion to dismiss may file an individual supplemental brief in  
27 support of the joint motion to dismiss, that shall not exceed 5 pages, on or  
28 before **November 16, 2020;**

- 1 5. If any Defendant elects to seek dismissal under Fed. R. Civ. P. 12(b)(2)  
2 and/or (3), the Defendant(s) seeking dismissal on this ground may also  
3 file an individual motion on that basis, which each shall not exceed 15  
4 pages, on or before **November 16, 2020**;
- 5 6. Plaintiff's opposition to Defendants' joint motion to dismiss, which shall  
6 not exceed 30 pages, must be filed on or before **December 16, 2020**;
- 7 7. In the event any Defendant files an individual supplemental brief in  
8 support of the joint motion to dismiss, Plaintiff shall file and serve its  
9 opposition(s) thereto, which each shall not exceed 5 pages, on or before  
10 **December 16, 2020**;
- 11 8. If any Defendant elects to seek dismissal under Fed. R. Civ. P. 12(b)(2)  
12 and/or (3), Plaintiff shall file and serve its opposition(s) thereto, which  
13 each shall not exceed 15 pages, on or before **December 16, 2020**;
- 14 9. Defendants' reply in support of their joint motion to dismiss, which shall  
15 not exceed 15 pages, and any individual supplemental reply briefs, which  
16 each shall not exceed 3 pages, must be filed on or before **January 6,**  
17 **2021**;
- 18 10. If any Defendant elects to seek dismissal under Fed. R. Civ. P. 12(b)(2)  
19 and/or (3), the Defendant(s) seeking dismissal on this ground may also  
20 file a reply brief, which each shall not exceed 5 pages, on or before  
21 **January 6, 2021**; and
- 22 11. The Court will hold a hearing on Defendants' motion(s) to dismiss on  
23 **January 25, 2021 at 2:30 P.M.** in Courtroom 3D.

24 **IT IS SO ORDERED.**

25 Dated: October 13, 2020

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27 HON. MICHAEL M. ANELLO  
28 United States District Judge