

1 Scott E. Stafne  
239 N. Olympic Ave.  
2 Arlington, WA 98223  
3 360.403.8700  
4 Scott@stafnelaw.com

Hon. James L. Robart

5  
6  
7  
8  
9 **UNITED STATES DISTRICT COURT IN AND FOR**  
10 **THE WESTERN DISTRICT OF WASHINGTON**

11  
12 JERRY HOANG; LE UYEN THI  
13 HOANG

14 Plaintiffs,

15 v.

16 BANK OF AMERICA, N.A.;  
17 FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, INC.,

18 Defendants.  
19  
20

) Case No. 2:17-cv-00874-JLR

) **AMENDED STIPULATED MOTION**  
) **TO RESCHEDULE ORDER SETTING**  
) **TRIAL DATES**

) **HEARING NOTED APRIL 9, 2020**

21 **Relief Requested:**

22 The parties, Jerry Hoang, et al., Plaintiffs, and Bank of America NA, et  
23 al., Defendants, through their respective attorneys of record, hereby move to  
24 extend the trial and all related dates in this Court's Minute Order Setting Trial  
25 Dates and Related Dates, Dkt 36, to the end of the Court's present trial

1 calendar in 2021, as also noted in the Court's April 2, 2020, Order, Dkt. 41,  
2 and to thereby respectively extend all dates and deadlines accordingly,  
3 including specifically the disclosure of expert testimony deadline which has  
4 been affected by the health and safety protocols resulting from the COVID-19  
5 outbreak throughout the country and the deadline for amending pleadings.

6 **Facts:**

7 The Scheduling Order of June 10, 2019, set the following dates:

- |    |   |                |
|----|---|----------------|
| 8  |   | October 5,     |
| 9  | 1. BENCH TRIAL DATE                                       | 2020           |
| 10 | 2. Deadline for amending pleadings                        | April 8, 2020  |
| 11 |   |                |
| 12 | 3. Disclosure of expert testimony under 26(a)(2)          | April 8, 2020  |
| 13 | 4. All motion related to discovery must be filed          |                |
| 14 | by (see LCR 7(d))   | May 8, 2020    |
| 15 |   |                |
| 16 | 5. Discovery completed by                                 | June 8, 2020   |
| 17 | 6. All dispositive motions and motions challenging expert |                |
| 18 | witness testimony (see LCR 7(d)) must be filed by         | July 7, 2020   |
| 19 |   |                |
| 20 | 7. Agreed pretrial order due                              | Sept. 14, 2020 |
| 21 | 8. Deposition designation must be submitted to the court  |                |
| 22 | (not filed on CM/ECF) by                                  | Sept. 16, 2020 |
| 23 |   | Sept. 21, 2020 |
| 24 | 9. Pretrial conference to be held at 2:30 PM on           |                |
| 25 | 10. Trial Briefs and proposed findings of fact by         | Sept. 28, 2020 |

1 ***Stipulation and Argument:***

2 Principally, the parties believe and agree that an extension of all  
3 deadlines set forth above will allow the parties to further engage in already  
4 ongoing settlement negotiations which have stalled because of the emergence of  
5 the coronavirus. As the Court knows, activities in both Washington and  
6 California have been significantly affected due to the health emergency.

7 Specifically, due to shelter-in-place limitations caused by the COVID-19  
8 protocols throughout the country, Defendants have been unable to timely  
9 retain and confer with an expert that they feel would be valuable to the  
10 resolution or litigation of these claims. Continuing all deadlines in the prior  
11 scheduling order will allow the parties additional time to procure expert(s)  
12 without any prejudice to the other parties or to the Court, especially in light of  
13 the length of the trial continuance, which the Court has noted will set the trial  
14 into late 2021. Therefore, the parties specifically stipulate that the deadline of  
15 expert testimony under FRCP 26(a)(2) shall be continued according to the new  
16 trial date and request that the Court include an extension to the deadline of  
17 expert testimony under FRCP 26(a)(2) in its new scheduling order, in addition  
18 to all other dates in the scheduling order.

19 Moreover, Plaintiffs specifically request, and the parties hereby  
20 stipulated, that the Court should also continue the deadline for amending  
21 pleadings as additional discovery may reveal the need to amend the operative  
22 pleading.

23 The parties believe and agree that the jointly-sought extension of these  
24 deadlines will not prejudice any parties or result in an undue delay given the  
25 on-going health emergency in this nation and the present status of the case.

1 The parties have not requested any previous extensions of time and do  
2 not contemplate doing so in the future should the Court grant this request.

3 **Conclusion**

4 The parties respectfully request that the Court issue a new scheduling  
5 order to respectively extend all of the above-identified deadlines after placing  
6 the trial to the end of the Court's trial calendar.

7 Respectfully submitted,

8 BY: s/ Scott E. Stafne  
9 Scott E. Stafne, WSBA # 6964

BY: s/ Douglas C. Stastny  
Douglas C. Stastny, WSBA #52383

**CERTIFICATE OF ELECTRONIC SERVICE**

I hereby certify that on this date I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to those attorneys of record registered with the CM/ECF system.

DATED this 9th day of April, 2020 at Mount Vernon, Washington.

By: s/ LeeAnn Halpin  
LeeAnn Halpin, Paralegal

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 Scott E. Stafne  
2 239 N. Olympic Ave.  
3 Arlington, WA 98223  
4 360.403.8700  
5 Scott@stafnelaw.com

Hon. James L. Robart

7 **UNITED STATES DISTRICT COURT IN AND FOR**  
8 **THE WESTERN DISTRICT OF WASHINGTON**

10 JERRY HOANG; LE UYEN THI  
11 HOANG

12 Plaintiffs,

13 v.

14 BANK OF AMERICA, N.A.;  
15 FEDERAL NATIONAL MORTGAGE  
ASSOCIATION, INC.,

16 Defendants.

) Case No. 2:17-cv-00874-JLR

) **SCHEDULING ORDER**

19 The Court has considered the parties' stipulated motion to reschedule  
20 order setting trial dates and finding good cause GRANTS the motion. The Court  
21 will issue a new scheduling order.

22 Dated this 10th day of April, 2020.

23 

24 Honorable James L. Robart