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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRETT DIFFLEY, an unmarried man,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a foreign corporation, QUALITY LOAN SERVICE CORPORATION OF WASHINGTON, a Washington corporation, WELLS FARGO BANK, N.A., as Trustee For Structured Adjustable Rate Mortgage Loan Trust, Series 2007-3,

Defendants.

NO. C17-1370 RSM

STIPULATION AND ORDER FOR CONTINUANCE OF THE TRIAL DATE AND PRETRIAL DATES

**I. INTRODUCTION**

Plaintiff Brett Diffley (“Plaintiff”) and Defendants Nationstar Mortgage LLC (“Nationstar”) and Wells Fargo Bank, N.A., as Trustee For Structured Adjustable Rate Mortgage Loan Trust, Series 2007-3, (“Wells Fargo”), hereby respectfully submit this Stipulation and Proposed Order for Continuance of the Trial Date and Pretrial Dates for the good cause stated herein. Nationstar and Wells Fargo and Plaintiff have continued good faith efforts to resolve this case efficiently through settlement and hereby stipulate and request that the trial date, and all other related deadlines, be extended approximately ninety (90) days to facilitate further settlement discussions amongst the parties.

STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF THE TRIAL DATE AND PRETRIAL DATES - 1



**WITHERSPOON • KELLEY**

Attorneys & Counselors

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## II. BACKGROUND

Plaintiff filed suit against Defendants in the United States District Court for the Western District of Washington on or about September 13, 2017. Dkt. #1. The Complaint relates to allegations surrounding the foreclosure and servicing of Plaintiff's mortgage loan on real property located in King County, Washington. Defendants filed Motions to Dismiss on October 16, 2017, and October 27, 2017, respectively. Dkt. #11 and Dkt. #17. On December 6, 2017, the Court issued an Order denying in part and granting in part the Motion to Dismiss and granted leave to Plaintiff to file an amended complaint. Dkt. #22.

Plaintiff's First Amended Complaint was filed on December 20, 2017. Dkt. #23. On January 12, 2018, Defendants filed a Motion to Dismiss. Dkt. #24. That motion has been fully submitted and the Parties are currently awaiting a decision.

On November 14, 2017, the Court issued an Order setting the relevant dates and deadlines, including the trial date, for this matter. Dkt. #19.

This is the first requested continuance of the trial date and other pretrial dates that were first set on November 14, 2017. Since the initiation of this litigation Plaintiff and Nationstar and Wells Fargo have engaged in settlement discussions during the extensive pleading practice and Plaintiff has recently increased made significant strides towards resolution.

Further, counsel for Nationstar and Wells Fargo is in the Army Reserves and will be out of the country for three weeks. During that time, the Parties will be unable to engage in further settlement negotiations or conduct discovery.

The parties request additional time to conduct discovery due to counsel's unavailability and for settlement discussions to resolve, if possible. If settlement is determined to be not feasible, both parties will need additional time to complete discovery.

1 **III. STIPULATION**

2 Nationstar and Wells Fargo and Plaintiff have been engaging in settlement discussions  
3 aimed at resolving this case. The parties feel that settlement negotiations have been productive  
4 and believe that further negotiations could resolve this matter without resorting to trial. Counsel  
5 for Nationstar and Wells Fargo will be out of the country serving in the Army Reserves and will  
6 be unavailable to conduct discovery. In the interest of conserving the Court's and the Parties'  
7 resources, the Parties have sought to avoid unnecessary discovery and motions practice.  
8 Accordingly, the Parties respectfully request an extension of the trial and related deadlines to  
9 allow the Parties adequate time to attempt to resolve this matter through settlement, and if that  
10 is not successful, adequate time to perform necessary discovery. It is proposed that the current  
11 trial date and pretrial deadlines be extended ninety (90) days as detailed below:

<b>Action</b>	<b>Current Deadline</b>	<b>New Deadline</b>
Trial Date	August 13, 2018	November 19, 2018
Disclosure of expert testimony under FRCP 26(a)(2)	February 14, 2018	May 14, 2018
Deadline for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	March 16, 2018	June 18, 2018
Discovery completed by	April 16, 2018	July 16 2018
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	May 15, 2018	August 13, 2018
Mediation per LCR 39.1(c)(3), <b>if requested by the parties</b> , held no later than	June 29, 2018	September 28, 2018
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	July 16, 2018	October 15, 2018

1 Agreed pretrial order due August 1, 2018 November 1, 2018  
2 Pretrial conference to be scheduled by  
3 the Court  
4 Trial briefs, proposed voir dire August 8, 2018 November 8, 2018  
5 questions, jury instructions, neutral  
6 statement of the case, and trial exhibits  
7 due.

8 DATED: March 29, 2018

9 WITHERSPOON · KELLEY

BARRAZA LAW, PLLC

10 /s/ Michael J. Kapaun  
11 Michael J. Kapaun, Esq., WSBA # 36864  
12 Attorneys for Defendants  
13 Bank of America, N.A.;  
14 The Bank of New York Mellon,  
15 fka The Bank of New York, as Trustee for the  
16 Certificateholders of CWMBS, Inc., CHL  
17 Mortgage Pass-Through 2007-10

18 /s/ Vincente Omar Barraza  
19 Vicente Omar Barraza, Esq., WSBA # 43589  
20 Attorneys for Plaintiff

21 **ORDER**

22 IT IS SO ORDERED this 30<sup>th</sup> day of March 2018.

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24 RICARDO S. MARTINEZ  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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