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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

In Re: Citimortgage, Inc., Home  
Affordable Modification Program  
(HAMP) Contract Litigation

Case No. 11-ml-2274 DSF (PLAx)

ORDER SETTING INITIAL  
CONFERENCE

This document relates to:

December 12, 2011 2:00 p.m

- Beverly King, et al. v. CitiMortgage, Inc.  
CV 10-3792 DSF (PLAx)
- Balbir Singh v. CitiMortgage, Inc.,  
CV 11-8322 DSF (PLAx)
- Leslie Barry, et al. v. CitiMortgage, Inc.  
CV 11-8323 DSF (PLAx)
- Davidson Calfee, et al. v. CitiMortgage,  
Inc.  
CV 11-8324 DSF (PLAx)
- Juan Silva, et al. v. CitiMortgage, Inc.  
CV 11-8325 DSF (PLAx)
- Jo Ann Gastineau v. CitiMortgage, Inc.  
CV 11-8326 DSF (PLAx)
- William T. Whiting v. CitiMortgage, Inc.  
CV 11-8327 DSF (PALx)
- David G. Derosa, et al. v. CitiMortgage  
Inc.  
CV 11-8328 DSF (PLAx)



1 (c) Persons who are not named as parties in this litigation but may later be  
2 joined as parties or are parties in related litigation pending in other  
3 federal and state courts are invited to attend in person or by counsel.

4  
5 2. *Purposes and Agenda.* The conference will be held for the purposes  
6 specified in Rules 16(a), 16(b), 16(c), and 26(f) of the Federal Rules of Civil  
7 Procedure and subject to the sanctions prescribed in Rule 16(f). A tentative agenda  
8 is attached. Counsel are encouraged to advise the Court and other counsel as soon  
9 as possible of any items that should be added to the agenda.

10 3. *Preparations for Conference.*

11 (a) Counsel are expected to familiarize themselves with the current  
12 version of the *Manual for Complex Litigation* and be prepared at the  
13 conference to suggest procedures that will facilitate the just, speedy,  
14 and inexpensive resolution of this litigation. Counsel are also  
15 required to review the Local Rules for the Central District of  
16 California, the General Orders pertaining to electronic filing, this  
17 Court's general procedures and this Court's Standing Order (except  
18 ¶¶ 1, 2, 4, 15, 16, and 17), all of which may be found on the Central  
19 District of California website at [www.cacd.uscourts.gov](http://www.cacd.uscourts.gov).

20 (b) *Initial Conference of Counsel.* Before the conference, counsel shall  
21 confer and seek consensus to the extent possible with respect to the  
22 applicable items on the agenda, including a proposed discovery plan  
23 under Rule 26(f) and a suggested schedule under Rule 16(b) for  
24 joinder of parties, amendment of pleadings (or the filing of a  
25 consolidated pleading), class certification and other motions, etc. The  
26 Court designates Milberg LLP and Mayer Brown LLP to arrange the  
27 initial meetings for plaintiffs' and defendant's counsel, respectively.  
28

1 (c) *Preliminary Report.* Counsel will submit to the Court by November  
2 30, 2011, a report including the following:

3 (1) A brief statement indicating their preliminary understanding of  
4 the facts and the critical legal issues. Any potentially  
5 dispositive issues should be separately identified. These  
6 statements will not be binding, will not waive claims or  
7 defenses, and may not be offered into evidence against a party  
8 in later proceedings.

9 (2) A proposed discovery plan, in as much detail as is presently  
10 possible.

11 (3) A suggested schedule for motions presently planned.

12 (4) A list of all parents, subsidiaries, and companies affiliated with  
13 the corporate parties and of all counsel associated in the  
14 litigation to assist the Court in identifying any problems of  
15 recusal or disqualification.

16 (5) A list of all pending motions.

17 (6) A list of all outstanding discovery.

18 (7) A list of all known related cases pending in state or federal  
19 court and their current status.

20 4. *Interim Measures.* Until otherwise ordered by the Court:

21 (a) *Admission of Counsel.* Attorneys admitted to practice and in good  
22 standing in any United States District Court are admitted *pro hac vice*  
23 in this litigation. Association of local counsel is not required.

24 (b) *Pleadings.* Each defendant is granted an extension of time to respond  
25 to the complaints until a date to be set at the conference. Defendants  
26 should be prepared, however, to file motions or answers shortly after  
27 the conference date.  
28

1 (c) *Pending and New Discovery.* Pending the conference, all outstanding  
2 disclosure and discovery proceedings are stayed and no further  
3 discovery shall be initiated. This Order does not (1) preclude  
4 voluntary informal discovery regarding the identification and location  
5 of relevant documents and witnesses, (2) preclude parties from  
6 stipulating to the conduct of a deposition that has already been  
7 scheduled, (3) prevent a party from voluntarily making disclosures or  
8 responding to an outstanding discovery request under Federal Rule of  
9 Civil Procedure 33, 34, or 36, or (4) authorize a party to suspend its  
10 efforts in gathering information needed to respond to a request under  
11 Rule 33, 34, or 36. Relief from this stay may be granted for good  
12 cause shown, such as the ill health of a proposed deponent.

13 (d) *Preservation of Records.* Until the parties reach agreement on a plan  
14 for preservation of records, all parties and their counsel must preserve  
15 all evidence that may be relevant to these actions.

16 (e) *Motions.* No motion shall be filed under Rule 11, 12, or 56 without  
17 leave of court and unless it includes a certificate that the movant has  
18 conferred with opposing counsel in a good faith effort to resolve the  
19 matter without court action.

20 (f) *Orders of Transferor Courts.* All orders by transferor courts  
21 imposing dates for pleading or discovery are vacated.  
22

23 5. *Later Filed Cases.* This Order shall also apply to related cases later filed  
24 in, removed to, or transferred to this Court.

25 6. *Applications for Lead and Liaison Counsel Appointments.* The Court  
26 presently intends to appoint plaintiffs' lead counsel or a plaintiffs' steering  
27 committee, as well as plaintiffs' liaison counsel. Applications for these positions  
28 must be filed with the clerk's office on or before November 14, 2011. The Court

1 will only consider attorneys who have filed an action in this litigation. The main  
2 criteria for these appointments are (1) willingness and ability to commit to a time-  
3 consuming process; (2) ability to work cooperatively with others; (3) professional  
4 experience in this type of litigation; and (4) access to sufficient resources to  
5 advance the litigation in a timely manner. Applications should also set forth  
6 attorney fee proposals, rates, and percentages that applicants expect to seek if the  
7 litigation succeeds in creating a common fund.

8  
9 IT IS SO ORDERED.  
10 10/21/11



11 Dated: \_\_\_\_\_

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Dale S. Fischer  
United States District Judge

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Agenda

**General matters, including:**

Overview of the case: the key factual and legal issues, including any unusual substantive, procedural, or evidentiary issues

The parties' proposals for accomplishing the goals described in Rule 16(a) of the Federal Rules of Civil Procedure

The parties' positions concerning the applicable topics described in Rule 16(c)

Whether a consolidated pleading would be appropriate

The Court's requirements and expectations concerning compliance with the Federal Rules, the Local Rules for the Central District, and this Court's orders, rules, and procedures

The Court's expectations concerning attorney professionalism, courtesy, and civility

Jurisdictional issues, including whether any actions should be remanded to state courts

A mechanism for regularly apprising the Court of case status, such as periodic status conferences

Whether issues of state law should be considered by this Court or deferred

Feasibility of coordination with actions pending in state courts

**Motion Practice, including:**

Description and status of pending motions

Description of presently anticipated motions

Motion cut-off and briefing schedules

Procedures for class certification motions

Compliance with the Local Rules and this Court's orders re motions

**Discovery and Disclosures, including:**

Dates and procedures for Rule 26 disclosures

Subjects on which discovery may be needed

Sequencing of discovery

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Discovery cut-off dates and whether discovery should be conducted in phases, or limited or focused on particular issues

Existence of trade secrets or other privileged materials, and need for a protective order

Need for orders for the preservation of documents

Document numbering system

Changes to the limitations on discovery imposed by the Federal Rules

Provisions for disclosure or discovery of electronically stored information

Expert discovery

Procedures for resolving discovery disputes

**Settlement**, including:

The nature and extent of discovery that must be completed before a meaningful conference can be held

Appropriate dispute resolution mechanism

**Other**

Date for next conference