
**Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse**

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| Duran <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> U.S. Bank National Association <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p> | No. <u>2001035537</u> Case Management Order Date: 01/14/2016 Time: 01:30 PM Dept: 1C Judge: Wynne Carvill |
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The Court has ordered the following at the conclusion of a judicially supervised Case Management Conference.

OTHER ORDERS

On January 14, 2016, the parties appeared through counsel as a follow-up to an interim order on the motion(s) re class certification.

On the issue of the status of the other affirmative defenses, the court has received the supplemental briefs on that issue and will consider them if/when those issues become relevant - e.g., on the merits of the class certification question.

On the issue of whether as, a matter of law, statistical survey evidence may be used in this case to "plug the evidentiary hole" the Supreme Court identified in its opinion, the court concludes the answer is "yes" - although the remaining and much more complicated question of whether THIS SURVEY achieves that goal remains outstanding. The reasons the court reaches this conclusion will be addressed in its eventual order on the class certification issues. The parties are ORDERED to meet and confer on a mutually agreeable date in February (March if necessary) for oral argument on the class certification motion(s).

Finally, the court is inclined to appoint an independent expert but the ultimate decision may turn on timing and availability. Each party is ORDERED to deliver by noon on January 28, 2016, to the court via the clerk in D-1 in a sealed envelope marked "CONFIDENTIAL" a pleading identifying that party's three nominees for the role. When both envelopes are received, the court will open and then file each party's pleading. The pleading should also disclose any and all contacts the nominating party/counsel has had with the nominee and should include a bio or CV if and only if one is publicly available. Do not contact the nominee for the latter purpose or any other purpose.

NOTICES

Any delay in the trial, caused by non-compliance with any order contained herein, shall be the subject of sanctions pursuant to CCP 177.5.

Dated: 01/14/2016

Wynne Carvill
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Judge Wynne Carvill
