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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CONSUMER FINANCIAL PROTECTION BUREAU,
Plaintiff,

vs.

NATIONWIDE BIWEEKLY ADMINISTRATION, INC., LOAN PAYMENT ADMINISTRATION LLC, and DANIEL S. LIPSKY,
Defendants.

NATIONWIDE BIWEEKLY ADMINISTRATION, INC.
Counter-Claimant,

vs.

CONSUMER FINANCIAL PROTECTION BUREAU,
Counter-Defendant.

Case No. 3:15-cv-02106-RS

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER SHORTENING TIME FOR BRIEFING AND HEARING ON MOTION FOR WITHDRAWAL OF SEAN E. PONIST, GEORGIA Z. SCHNEIDER AND JOHN D. SMITH AS COUNSEL FOR DEFENDANTS NATIONWIDE BIWEEKLY ADMINISTRATION, INC., LOAN PAYMENT ADMINISTRATION, LLC AND DANIEL S. LIPSKY

Pursuant to F.R.C.P. 6 and Civil L.R. 6-3 and subject to the Court's approval, Plaintiff and Counter-Defendant Consumer Financial Protection Bureau ("Bureau") and Defendants and Counter-Claimant Nationwide Biweekly Administration, Inc. ("NBA"), Loan Payment Administration LLC ("LPA"), and Daniel S. Lipsky ("Defendants") as well as Defendants' counsel (collectively, the "Parties") state, stipulate, and agree as follows:

1. WHEREAS, defense counsel Sean E. Ponist, Georgia Z. Schneider and John D. Smith (collectively "Defense Counsel") contend that issues and differences have arisen recently in the course of the litigation which affect Defense Counsel's ability to continue to represent Defendants;

2. WHEREAS, Defense Counsel contends that these issues and differences have led to a complete and irreconcilable breakdown in the attorney-client relationship;

3. WHEREAS, Defense Counsel contends that professional and ethical considerations require withdrawal;

4. WHEREAS, Defense Counsel, additionally, contends that Defendants have failed to make payment for services and will continue to do so going forward;

5. WHEREAS, Defense Counsel, additionally, contends that they cannot financially afford to remain as Defense Counsel under these circumstances;

6. WHEREAS, trial in this matter is scheduled for April 24, 2017;

7. WHEREAS, pursuant to the Civil Local Rules, the Court's calendar, and the Court's Scheduling Information, the earliest date on which Defense Counsel's motion to withdraw may be heard is April 20, 2017, *i.e.*, two business days before the trial date;

8. WHEREAS, John D. Smith has spoken with Daniel Lipsky and on behalf of himself as well as his companies, NBA and LPA, and Mr. Lipsky agrees that this issue should be resolved as soon as possible and stipulates to Defense Counsel's motion for withdrawal being heard on shortened time;

9. WHEREAS, counsel for the Bureau agrees that this issue should be resolved as soon as possible and stipulates to Defense Counsel's motion to withdraw being heard on shortened time;

10. THEREFORE, the Parties propose, unless the matter may be heard even sooner, the following schedule:

- Defense Counsel files motion to withdraw on March 10, 2017;

- Any opposition to the motion be filed on March 16, 2017;
- Any reply in support of the motion be filed on March 20, 2017;
- Hearing on the motion at the pre-trial conference, which is scheduled for March 23, 2017 at 2:30 p.m.

IT IS SO STIPULATED AND AGREED:

Dated: March 10, 2017

By: /s/ Patrick Gushue

CONSUMER FINANCIAL PROTECTION BUREAU

Patrick Gushue, Enforcement Attorney
Jonathan Urban, Enforcement Attorney
Stephen Jacques, Enforcement Attorney
Thomas McCray-Worrall, Enforcement Attorney
Elizabeth France, Enforcement Attorney

Attorneys for Plaintiff Consumer Financial Protection Bureau

By: /s/ Sean E. Ponist

PONIST LAW GROUP, P.C.
Sean E. Ponist
Georgia Z. Schneider

By: /s/ John D. Smith

JOHN D. SMITH CO,, LPA

Attorneys for Defendants Nationwide Biweekly Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipsky and Counter-Claimant Nationwide Biweekly Administration, Inc.

ECF ATTESTATION

I Georgia Z. Schneider, am the ECF user whose ID and password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatories.

Dated: March 10, 2017

By: /s/ Georgia Z. Schneider
Georgia Z. Schneider

CERTIFICATE OF SERVICE

On March 10, 2017, I filed the foregoing document with the Court's CM/ECF filing system, which will serve all parties and counsel of record in this case.

By: /s/ Georgia Z. Schneider
Georgia Z. Schneider

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/10/17



RICHARD SEEBORG
United States District Judge