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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

v.

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

Defendants.

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

JOINT STIPULATION AND ~~[PROPOSED]~~ ORDER SETTING BRIEFING SCHEDULE ON PLAINTIFF'S MOTION TO STRIKE AND MOTION TO DISMISS

Pursuant to Civil L.R. 6-2 and 7-12 and subject to the Court's approval, Plaintiff Consumer Financial Protection Bureau ("Bureau") and Defendants Nationwide Biweekly Administration, Inc., Loan Payment Administration LLC, and Daniel S. Lipsky (collectively, "Defendants") state, stipulate, and agree as follows:

1. On August 31, 2015, the Bureau moved to strike several affirmative defenses set forth in Defendants' first amended answer. Dkt. No. 48. The Bureau stipulated to withdraw that motion, without prejudice, at the request of Defendants' counsel, who wished to "amend

the first amended answer to address concerns therewith and to otherwise clarify defenses to the complaint." Dkt. No. 65.

2. On February 2, 2016, Defendants filed a second amended answer that withdrew certain defenses and also asserted new affirmative defenses and new counterclaims against the Bureau. Dkt. No. 67.

3. The Bureau intends to file both a motion to strike several affirmative defenses and a motion to dismiss the counterclaims (collectively, "Motions"). Under the Federal Rules of Civil Procedure, while the Bureau has 21 days, or until February 23, 2016, to file a motion to strike Defendants' affirmative defenses, it has 60 days, or until April 4, 2016, to file a responsive pleading to Defendants' counterclaim. See Fed. R. Civ. P. 12(a)(2) and 12(f)(2).

4. Because many of the affirmative defenses concern substantially similar factual and legal issues as the counterclaims, the Motions will necessarily involve similar discussions of fact and law. Thus, amending relevant deadlines to file the Motions and responses to them concurrently would best serve the interests of efficiency and judicial economy by allowing the Court to simultaneously consider the merits of each related legal argument.

5. Defendants have no objection to this request.

6. The parties jointly propose the following briefing schedule:

   a. March 18, 2016: opening briefs on the Motions;

   b. April 8, 2016: Defendants' responses to the Motions; and

   c. April 15, 2016: the Bureau's replies to Defendants' responses, if any.

7. This proposed schedule would not otherwise affect the schedule for the case.

Dated: February 16, 2016

Respectfully submitted,

ANTHONY ALEXIS
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Dated: February 16, 2016

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ECF ATTESTATION

I, Melanie Hirsch, 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 signatory.

Dated: February 16, 2016

/s/ Melanie Hirsch
Melanie Hirsch

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/17/16



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE