UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

CASE NO. 9:17-CV-80495-MARRA-MATTHEWMAN

CONSUMER FINANCIAL PROTECTION BUREAU,

Plaintiff,

v.

OCWEN FINANCIAL CORPORATION, OCWEN MORTGAGE SERVICING, INC., OCWEN LOAN SERVICING, LLC, and PHH MORTGAGE CORPORATION.

Defendants.

JOINT SCHEDULING ORDER PROPOSAL

Pursuant to the Court's Order Directing Resubmission of Streamlined Summary Judgment and Evidentiary Motions (DE 713), Plaintiff Consumer Financial Protection Bureau and Defendants, Ocwen Financial Corporation, Ocwen Mortgage Servicing, Inc., Ocwen Loan Servicing, LLC, and PHH Mortgage Corporation (collectively, the "Parties"), by and through their undersigned counsel, submit this Joint Scheduling Order proposal.

The Parties propose the following scheduling order to file streamlined or updated filings in connection with their summary judgment motions, Defendants' motions to exclude expert testimony, and related motions relating to requests to seal certain information:

- **On or before December 4, 2020**:
    - The Parties will re-file their streamlined summary judgment motions and statements of facts (collectively, "Summary Judgment Motions") (previously filed at DE 630, 631, 634, 635, 639, 640, and 641);

- Defendants will refile their streamlined motions to exclude the testimony of Daniel McFadden and John Searson ("Defendants' *Daubert* Motions") (previously filed at DE 637 and 638[1]); and
- The Parties will file provisional motions to seal information in the Summary Judgment Motions and Defendants' *Daubert* Motions (not previously filed).[2]

- **On or before December 10, 2020:**
  - The Parties will refile their streamlined oppositions to the Summary Judgment Motions ("Oppositions") (previously filed at DE 674, 675, 679, and 680);
  - Plaintiff will refile its streamlined provisional motion to seal certain information in its Opposition (previously filed at DE 678); and
  - Plaintiff will refile its streamlined motion to strike the declaration of Benjamin Verdooren (previously filed at DE 669).

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[1] Based on Plaintiff's representation that it will not rely on Florida expert Lawrence Powell, Ocwen does not intend to refile its motion to exclude Mr. Powell because his testimony and report have been mooted by the dismissal of the Florida Plaintiffs and are no longer at issue in this case. *See* DE 643.

[2] Pursuant to the Court's March 23, 2020 order (DE 604), the parties filed certain information and exhibits in their respective Summary Judgment Motions under seal. *See* DE 630, 631, 634, 635. Defendants separately moved to seal certain information and exhibits in Defendants' *Daubert* Motions. *See* DE 636. On June 9, 2020, this Court issued an Order at (DE 647) relating to sealing information in those filings, and also held a related case management conference on July 10, 2020. In a joint notice (DE 651) and during the July 10, 2020 hearing, the Parties agreed that all filings after July 2020 would be addressed by a provisional seal process, as stated in DE 651. The Parties have followed this process for all post July 2020 filings, *see* DE 668, 678, 685.

As to the June Filings, Defendants propose to address their confidentiality assertions through the Court-ordered updated filings (DE 713) in the manner set out in the Parties' joint notice (DE 651). The parties set forth the following proposal for doing so: on or before December 4, 2020, the Parties will move to provisionally seal any confidential information contained in their Summary Judgment Motions and/or Defendants' *Daubert* Motions; on or before December 11, 2020, Defendants will move to maintain the seal for such information; and on or before December 18, 2020, Plaintiff may file an opposition to Defendants' motion to seal.

- **On or before December 11, 2020**:
    - Defendants will file a new or updated motion to maintain seal of information in the Summary Judgment and Defendants' *Daubert* Motions (not previously filed); and
    - Defendants will refile its streamlined motion to maintain documents under seal in the Oppositions (previously filed at DE 685).
- **On or before December 16, 2020:**
    - Plaintiff will refile its streamlined oppositions to Defendants' *Daubert* Motions (previously filed at DE 655 and 656); and
    - Defendants will refile their streamlined opposition to Plaintiff's motion to strike the declaration of Benjamin Verdooren (DE 684).
- **On or before December 18, 2020:**
    - Plaintiff will refile its streamlined reply relating to its motion to strike the declaration of Benjamin Verdooren (DE 686);
    - Defendants will refile their streamlined replies in support of Defendants' *Daubert* Motions (previously filed at DE 671 and 672);
    - Plaintiff will file its opposition to Defendants' motion to maintain seal of information in the Summary Judgment Motions and Defendants' *Daubert* Motions (not previously filed); and
    - Plaintiff will refile its streamlined opposition to Defendants' motion to maintain documents under seal in the Oppositions (previously filed at DE 687).

Date: November 9, 2020

Respectfully submitted,

Attorneys for Plaintiff,
CONSUMER FINANCIAL PROTECTION BUREAU

JOHN C. WELLS
Deputy Enforcement Director

JAMES T. SUGARMAN
Assistant Litigation Deputy

/s/ Jean M. Healey Dippold
Jean M. Healey Dippold
Phone: (202) 435-7514
E-mail: jean.healeydippold@cfpb.gov

Atur Desai	atur.desai@cfpb.gov
Michael Posner	michael.posner@cfpb.gov
Shirley Chiu	shirley.chiu@cfpb.gov

Respectfully submitted,

/s/ *Catalina E. Azuero*
Andrew S. Wein
Bridget Ann Berry
GREENBERG TRAURIG, P.A.
777 South Flagler Drive, Suite 300 East
West Palm Beach, FL 33401
Tel.: 561.650.7900
weina@gtlaw.com
berryb@gtlaw.com

Thomas M. Hefferon (*pro hac vice*)
Sabrina M. Rose-Smith (*pro hac vice*)
GOODWIN PROCTER LLP
1900 N Street, NW
Washington, DC 20036
Tel.: 202.346.4000
thefferon@goodwinlaw.com
srosesmith@goodwinlaw.com

Laura A. Stoll (*pro hac vice*)
GOODWIN PROCTER LLP
601 S. Figueroa Street
Los Angeles, CA 90017
Tel.: 213.426.2500
lstoll@goodwinlaw.com

Catalina E. Azuero (Florida Bar No. 821411)
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel.: 617.570.1000
cazuero@goodwinlaw.com

Attorneys for Defendants Ocwen Financial Corp., Ocwen Mortgage Servicing, Inc., Ocwen Loan Servicing, LLC, and PHH Mortgage Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on November 9, 2020 via ECF on all counsel or parties of record listed below:

Jean Healey
Email: jean.healey@cfpb.gov

Atur Desai
E-mail: atur.desai@cfpb.gov

Tianna Baez
E-mail: tianna.baez@cfpb.gov

Amanda Roberson
E-mail: amanda.roberson@cfpb.gov

Stephanie Brenowitz
E-mail: stephanie.brenowitz@cfpb.gov

Erin Mary Kelly
E-mail: erin.kelly@cfpb.gov

James Savage
E-mail: james.savage@cfpb.gov

Greg Nodler
E-mail: greg.nodler@cfpb.gov

Michael Posner
E-mail: michael.posner@cfpb.gov

Jack Douglas Wilson
E-mail: doug.wilson@cfpb.gov

Shirley T. Chiu
E-mail: shirley.chiu@cfpb.gov

/s/ *Catalina Azuero*
Catalina E. Azuero