

(ANx), CLOSED, DISCOVERY, MANADR, RELATED-G

**UNITED STATES DISTRICT COURT for the CENTRAL DISTRICT OF  
CALIFORNIA (Western Division – Los Angeles)  
CIVIL DOCKET FOR CASE #: 2:07-cv-05540-AG-AN**

Alfredo B Payares v. J.P. Morgan Chase & Co et al  
Assigned to: Judge Andrew J. Guilford  
Referred to: Magistrate Judge Arthur Nakazato  
Related Case: 8:07-cv-00794-AG-AN  
Cause: 42:1981 Civil Rights

Date Filed: 08/23/2007  
Date Terminated: 11/09/2010  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Alfredo B Payares**

represented by **Alan R Plutzik**  
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*TERMINATED: 01/20/2010*  
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V.

**Defendant**

**J.P. Morgan Chase & Co**  
*TERMINATED: 08/15/2008*

represented by **Michael J Agoglia**  
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**Defendant**

**Chase Bank U.S.A., N.A.**

represented by **Michael J Agoglia**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wendy Marie Garbers**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**JPMorgan Chase Bank NA**

represented by **Michael J Agoglia**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Wendy Marie Garbers**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 08/23/2007 | <u>1</u>  | COMPLAINT against defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A..(Filing fee \$ 350)Fee Paid, filed by plaintiff Alfredo B Payares.(bb) (Entered: 09/04/2007)   |
| 08/23/2007 |           | NOTICE OF FILING FEE DUE on Pro Hac Vice Application mailed to attorney Andrew S Friedman for Plaintiff Alfredo B Payares. (bb) (Entered: 09/04/2007)  |
| 08/23/2007 | <u>2</u>  | Notice of Interested Parties filed by Plaintiff Alfredo B Payares. (bb) (Entered: 09/04/2007)  |
| 08/23/2007 | <u>3</u>  | NOTICE TO PARTIES OF ADR PILOT PROGRAM filed.(bb) (Entered: 09/04/2007)  |
| 08/23/2007 |           | 20 days Summons Issued re Complaint – (Discovery) 1 as to Alfredo B Payares. (bb) (Entered: 09/04/2007)  |
| 09/19/2007 | <u>7</u>  | APPLICATION of Andrew S Friedman for Leave to Appear Pro Hac Vice. FEE PAID. filed by plaintiff Alfredo B Payares. Lodged Order. (esa) (Entered: 09/26/2007)   |
| 09/21/2007 | <u>4</u>  | ORDER by Judge Audrey B. Collins on Application of Non-Resident Attorney Andrew S Friedman of Bonnett Fairbourn Friedman &Balint PC for Alfredo B Payares and designating Mark Chavez of Chavez Gertler GRANTED. (ir) (Entered: 09/24/2007)  |
| 09/21/2007 | <u>5</u>  | STIPULATION Extending Time to Answer the complaint as to J.P. Morgan Chase &Co and Chase Bank U.S.A., N.A. answers now due on or before 10/29/2007 filed by Defendants J.P. Morgan Chase &Co; Chase Bank U.S.A., N.A.(ir) (Entered: 09/24/2007)  |
| 09/24/2007 | <u>6</u>  | PROOF OF SERVICE Executed by plaintiff Alfredo B Payares, upon Chase Bank U.S.A., N.A. served on 8/31/2007; answer due 9/20/2007; The Summons and Complaint were served by PERSONAL service, by NOT INDICATED statute, upon DIONNE WILSON, LEGAL ADMINISTRATOR; Due Dilligence declaration NOT INDICATED; Original Summons NOT RETURNED. (esa) (Entered: 09/25/2007) |
| 10/23/2007 | <u>8</u>  | STIPULATION to Extend Time to amend and to Set Case Management Conference; IT IS HEREBY ORDERED by Judge Audrey B. Collins that Plaintiff shall have until 1/4/08 to file any amendment of the complaint as of right; the initial case management conference shall be held on 3/24/087 (es) (Entered: 10/23/2007)  |
| 12/01/2007 | <u>9</u>  | NOTICE of Appearance filed by attorney Theodore J Pintar, John J Stoia, Jr on behalf of Plaintiff Alfredo B Payares. (et) (Entered: 01/15/2008)  |
| 01/29/2008 | <u>10</u> | STIPULATION for Extension of Time to File Answer to February 25, 2008 filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A..(Garbers, Wendy) (Entered: 01/29/2008)  |
| 01/30/2008 | <u>11</u> | NOTICE of Appearance filed by attorney Leslie Hurst on behalf of Plaintiff Alfredo B Payares (Hurst, Leslie) (Entered: 01/30/2008)   |
| 01/31/2008 | <u>12</u> | Stipulation to Extend Time to Respond to Complaint; ORDER by Judge Audrey B. Collins as to defendant J.P. Morgan Chase &Co. IT IS SO ORDERED that the defendants shall have until February 25, 2008, to answer or otherwise respond to the complaint. (es) (Entered: 02/01/2008)   |
| 02/20/2008 | <u>13</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following deficiency was found proposed documnet was not submitted as separate attachment;Stipulation has order attached which should have been submitted as an   |

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|            |           | attachment.: RE Stipulation to Extend Time to Answer (More than 30 days) <u>10</u> (ab) (Entered: 02/21/2008)   |
| 02/21/2008 | <u>14</u> | STIPULATION for Extension of Time to File Answer to March 7, 2008 filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Attachments: # <u>1</u> Proposed Order)(Garbers, Wendy) (Entered: 02/21/2008)  |
| 02/22/2008 | <u>15</u> | ORDER Re Stipulation to Extend Time to Respond to Complaint, Set Briefing Schedule and Hearing <u>14</u> , IT IS HEREBY ORDERED that Defendants shall have until 3/7/08 to respond to the operative complaint; Rule 12 motion(s) must be filed by 4/7/08; Any repl(ies) regarding Rule 12 motion(s) must be filed by 4/21/08; and the hearing on defendants' Rule 12 motion(s) is set for Monday, 5/5/08 at 10:00am. (es) (Entered: 02/25/2008) |
| 02/28/2008 | <u>16</u> | NOTICE of Change of Attorney Information for attorney John J Stoia, Jr counsel for Plaintiff Alfredo B Payares. Changing e-mail to johns@csgrr.com. Filed by plaintiff Alfredo B. Payares (Stoia, John) (Entered: 02/28/2008)   |
| 03/11/2008 | <u>17</u> | NOTICE OF MOTION AND MOTION to Dismiss Case filed by defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A..Motion set for hearing on 5/5/2008 at 10:00 AM before Judge Audrey B. Collins. (Garbers, Wendy) (Entered: 03/11/2008)  |
| 03/11/2008 | <u>18</u> | MEMORANDUM in Support of MOTION to Dismiss Case <u>17</u> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Attachments: # <u>1</u> Declaration of Michael J. Agolia# <u>2</u> Proposed Order Granting Motion to Dismiss)(Garbers, Wendy) (Entered: 03/11/2008)  |
| 03/11/2008 | <u>19</u> | Certificate of Interested Parties filed by Defendant Chase Bank U.S.A., N.A.. (Garbers, Wendy) (Entered: 03/11/2008)  |
| 03/11/2008 | <u>20</u> | Certificate of Interested Parties filed by Defendant J.P. Morgan Chase &Co. (Garbers, Wendy) (Entered: 03/11/2008)  |
| 03/14/2008 | <u>21</u> | NOTICE Notice of Change of Attorney Information filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 03/14/2008)  |
| 03/14/2008 | <u>22</u> | JOINT REPORT Rule 26(f) Discovery Plan <i>Report and Case Management Conference Statement</i> ; estimated length of trial 20 days, filed by Plaintiff Alfredo B Payares, Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A... (Attachments: # <u>1</u> Exhibit Proposed Pre-Trial Scheduling)(Pintar, Theodore) (Entered: 03/14/2008)  |
| 03/18/2008 | <u>23</u> | First APPLICATION OF NON-RESIDENT ATTORNEY Gary Klein for Leave to Appear Pro Hac Vice. FEE NOT PAID. filed by plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Order on Application of Non-Resident Attorney to Appear in a Specific Case)(Pintar, Theodore) (Entered: 03/18/2008)  |
| 03/18/2008 | <u>24</u> | NOTICE of Appearance filed by attorney Theodore J Pintar on behalf of Plaintiff Alfredo B Payares (Pintar, Theodore) (Entered: 03/18/2008)  |
| 03/19/2008 | <u>25</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following deficiency was found Incorrect event selected. Correct event is Notice-Change of Attoey Information (G-06): RE Notice (Other) <u>21</u> (es) (Entered: 03/19/2008)   |
| 03/20/2008 | <u>26</u> | ORDER by Judge Audrey B. Collins, On First APPLICATION OF NON-RESIDENT ATTORNEY Gary Klein for Leave to Appear In A Specific Case. FEE NOT PAID. <u>23</u> (es) (Entered: 03/21/2008)   |
| 03/25/2008 | <u>27</u> | ORDER RE: CONFERENCE: 1. PRETRIAL CONFERENCE PURSUANT TO F.R.CIV.P. 16 AND 26; AND LOCAL RULE 26; 2. MOTIONS AND EX PARTE APPLICATIONS; 3. EFILING-COURTESY COPIES by Judge Audrey B. Collins: This matter is set for Pretrial/Scheduling Conference on 6/23/2008 at 10:00 AM (See attached order for further details and requirements). (es) (Entered: 03/26/2008)   |

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| 04/07/2008 | <u>28</u> | OPPOSITION to MOTION to Dismiss Case <u>17</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 04/07/2008)  |
| 04/08/2008 | <u>29</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins: On March 11, 2008, Defendants filed a Motion to Dismiss. Although the Court received courtesy copies of Plaintiffs Opposition filed on April 7, the Court has yet to receive courtesy copies of the moving papers. Defendants are hereby ORDERED to deliver to chamber two courtesy copies of all moving papers by Friday, April 11, 2008. The Court reminds the parties of the following requirements: (SEE ATTACHED MINUTES FOR REQUIREMENTS) (es) (Entered: 04/08/2008) |
| 04/08/2008 | <u>30</u> | NOTICE AND REQUEST of Settlement Procedure Selection (Sp3); parties request to appear before a retired judicial officer or other dispute resolution body for mediation type settlement proceedings. Filed by Plaintiff Alfredo B Payares, Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.(Agoglia, Michael) (Entered: 04/08/2008)  |
| 04/08/2008 | <u>31</u> | Joint REQUEST for Settlement Approval of Settlement Procedure <i>JOINT NOTICE OF SETTLEMENT PROCEDURE</i> filed by DEFENDANT Alfredo B Payares, J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Agoglia, Michael) (Entered: 04/08/2008)   |
| 04/08/2008 | <u>32</u> | NOTICE JOINT NOTICE OF SETTLEMENT PROCEDURE filed by DEFENDANTS Alfredo B Payares, J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Agoglia, Michael) (Entered: 04/08/2008)  |
| 04/09/2008 | <u>33</u> | MINUTES: JOINT NOTICE OF SETTLEMENT PROCEDURE (In Chambers); The Court hereby STRIKES the parties Settlement Procedure Selection <u>30</u> , <u>31</u> , <u>32</u> SO ORDERED by Judge Audrey B. Collins (ir) (Entered: 04/10/2008)  |
| 04/21/2008 | <u>34</u> | NOTICE OF MOTION AND MOTION to Dismiss Case <i>Defendants' Reply in Support of Motion to Dismiss</i> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. Motion set for hearing on 5/5/2008 at 10:00 AM before Judge Audrey B. Collins. (Garbers, Wendy) (Entered: 04/21/2008)   |
| 04/24/2008 | <u>35</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins re: MOTION to Dismiss Case <u>34</u> : Defendants' Motion to Dismiss, currently set for hearing on May 5, 2008 is continued, due to Court congestion, to Monday, May 19, 2008 at 10:00 a.m. (ps) (Entered: 04/24/2008)  |
| 04/25/2008 | <u>36</u> | NOTICE OF MOTION AND MOTION for Appointment of Counsel [ <i>Proposed</i> ] <i>Pre-Trial Order No. 1</i> filed by plaintiff Alfredo B Payares. Motion set for hearing on 5/19/2008 at 10:00 AM before Judge Audrey B. Collins. (Pintar, Theodore) (Entered: 04/25/2008)   |
| 04/25/2008 | <u>37</u> | NOTICE OF MOTION AND MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> filed by plaintiff Alfredo B Payares. Motion set for hearing on 5/19/2008 at 10:00 AM before Judge Audrey B. Collins. (Attachments: # <u>1</u> Proposed Order [ <i>Proposed</i> ] <i>Pre-Trial Order No. 1</i> )(Pintar, Theodore) (Entered: 04/25/2008)   |
| 05/05/2008 | <u>38</u> | OPPOSITION to MOTION for Appointment of Counsel [ <i>Proposed</i> ] <i>Pre-Trial Order No. 1</i> <u>36</u> , MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Garbers, Wendy) (Entered: 05/05/2008)  |
| 05/05/2008 | <u>39</u> | DECLARATION of Wendy M. Garbers In Support Of Defendants' Opposition to Motion For Entry of Proposed <i>Pre-Trial Order No. 1</i> <u>38</u> MOTION for Appointment of Counsel [ <i>Proposed</i> ] <i>Pre-Trial Order No. 1</i> <u>36</u> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Attachments: # <u>1</u> Exhibit 1)(Garbers, Wendy) (Entered: 05/05/2008)   |
| 05/12/2008 | <u>40</u> | REPLY In Support MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed   |

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|            |           | by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/12/2008)  |
| 05/12/2008 | <u>41</u> | DECLARATION of Theodore J. Pintar In Support of Reply MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/12/2008)  |
| 05/12/2008 | <u>42</u> | DECLARATION of Leslie E. Hurst In Support of Reply MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/12/2008)   |
| 05/12/2008 | <u>43</u> | DECLARATION of Edward W. Ciolko In Support of Reply MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/12/2008)  |
| 05/12/2008 | <u>44</u> | DECLARATION of Gary Klein In Support of Reply MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/12/2008)  |
| 05/13/2008 | <u>45</u> | NOTICE OF ERRATA filed by Plaintiff Alfredo B Payares. correcting Declaration (Motion related), Declaration (Motion related) <u>43</u> (Pintar, Theodore) (Entered: 05/13/2008)   |
| 05/13/2008 | <u>46</u> | DECLARATION of Edward W. Ciolko Corrected, In Support of Reply MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> MOTION for Appointment of Counsel <i>Memorandum in Support of [Proposed] Pre-Trial Order No. 1</i> <u>37</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/13/2008)   |
| 05/13/2008 | <u>47</u> | MINUTES OF PLAINTIFFS MOTION FOR ENTRY OF PRE-TRIAL ORDER(In Chambers) held before Judge Audrey B. Collins :Pending before the Court is a Motion for Entry of Pre-Trial Order No. 1 (Motion), filed on April 25, 2008. Defendants filed an Opposition on May 5, 2008, and Plaintiff filed a Reply on May 12, 2008. The Court finds this Motion appropriate for resolution without oral argument and VACATES the hearing set for May 19, 2008. See Fed. R. Civ. P. 78(b); Local Rule 7-15. Having considered the materials submitted by the parties and the case file, the Court hereby DENIES the Motion without prejudice. (see attached minutes for further details) <u>36</u> (es) (Entered: 05/13/2008) |
| 05/14/2008 | <u>48</u> | NOTICE Notice of Supplemental Authority Regarding Plaintiff's Opposition to Defendants' Motion to Dismiss filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/14/2008)  |
| 05/15/2008 | <u>49</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins re MOTION to Dismiss Case <u>17</u> : The Court finds that the motion is appropriate for submission without oral argument and VACATES the hearing set for May 19, 2008. The Court hereby GRANTS Defendants motion to dismiss as to Plaintiffs Second and Third Causes of Action, for racial discrimination under 42 U.S.C. sections 1981 and 1982, with leave to amend. The motion is otherwise DENIED. Plaintiff shall have 30 days from the date of this order in which to file an amended complaint (see document for further details). (bm) (Entered: 05/15/2008)  |
| 05/19/2008 | <u>50</u> | MINUTES OF ORDER TO SHOW CAUSE RE RELATED CASES (IN CHAMBERS) held before Judge Audrey B. Collins: The two above-captioned cases are presently pending before this Court. The Court has learned that two potentially related cases are pending before another judge of this district. Those cases, before Judge Guilford, are National Association for the Advancement of Colored People v. Ameriquest Mortgage Company et al., CV-07-0794 AG (ANx) (NAACP), and Freddy Ramon Chavez Toruno v. HSBC Finance Corporation et al., CV-07-5998 AG (ANx) (Toruno). The Court therefore ORDERS counsel in both  |

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|            |           | Payares and Gonzalez to show cause, in writing, why Payares and Gonzalez are not related to NAACP and Toruno, the cases pending before Judge Guilford. The form of response may be either: (1) the filing of Notices of Related Case, or (2) an explanation why Payares and Gonzalez are not related, within the meaning of the local rule, to NAACP and/or Toruno, the cases before Judge Guilford. Responses must be filed no later than Wednesday, May 28, 2008. (see attached minutes for further details and requirements) (es) (Entered: 05/20/2008)   |
| 05/28/2008 | <u>51</u> | NOTICE of Related Case(s) filed by Plaintiff Alfredo B Payares. Related Case(s): 8:2007cv00794, 2:2007cv05998 (Pintar, Theodore) (Entered: 05/28/2008)   |
| 05/28/2008 | <u>52</u> | NOTICE of Related Case(s) filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. Related Case(s): CV-07-0794 AG, CV-07-5998 AG (Garbers, Wendy) (Entered: 05/28/2008)   |
| 05/30/2008 | <u>53</u> | NOTICE OF MOTION AND MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. Motion set for hearing on 6/23/2008 at 10:00 AM before Judge Audrey B. Collins. (Agoglia, Michael) (Entered: 05/30/2008)  |
| 05/30/2008 | <u>54</u> | MEMORANDUM in Support of MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> <u>53</u> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Attachments: # <u>1</u> Declaration of Michael J. Agoglia, # <u>2</u> Proposed Order)(Agoglia, Michael) (Entered: 05/30/2008)  |
| 06/09/2008 | <u>55</u> | MEMORANDUM in Opposition to MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> <u>53</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 06/09/2008)   |
| 06/16/2008 | <u>56</u> | JOINT REPORT Rule 26(f) Discovery Plan <i>and Case Management Conference Statement</i> ; estimated length of trial 3-60 days, filed by Plaintiff Alfredo B Payares, Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A... (Attachments: # <u>1</u> Exhibit Proposed Pre-Trial Scheduling)(Pintar, Theodore) (Entered: 06/16/2008)  |
| 06/16/2008 | <u>57</u> | REPLY In Support Of MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> MOTION for Leave to Appeal <i>May 15, 2008 Order And For Stay Pursuant To 28 U.S.C. 1292(b)</i> <u>53</u> filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A.. (Attachments: # <u>1</u> Appendix A)(Agoglia, Michael) (Entered: 06/16/2008)   |
| 06/17/2008 | <u>59</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins re DEFENDANTS' MOTION FOR CERTIFICATION AND A STAY PURSUANT TO 28 U.S.C. § 1292(b) <u>53</u> : The Court finds that the motion is appropriate for submission without oral argument and VACATES the hearing set for June 23, 2008. See Fed. R. Civ. P. 78(b); Local Rule 7-15. (Note, however, that the Scheduling Conference also set for June 23, 2008, shall remain on calendar.) Having considered the materials submitted by the parties and the case file, the Court hereby DENIES the Motion for Certification and a Stay Pursuant to 28 U.S.C. § 1292(b). (See document for text of order.) (ps) (Entered: 06/17/2008) |
| 06/18/2008 | <u>60</u> | NOTICE of Change of Attorney Information for attorney Theodore J Pintar counsel for Plaintiff Alfredo B Payares. Adding Coty R. Miller as attorney as counsel of record for Alfredo B. Payares for the reason indicated in the G-06 Notice. Filed by Plaintiff Alfredo B. Payares (Pintar, Theodore) (Entered: 06/18/2008)   |
| 06/23/2008 | <u>61</u> | CIVIL JURY TRIAL ORDER by Judge Audrey B. Collins,, Set Deadlines: The above matter is set for trial before the Honorable Audrey B. Collins. Pretrial and Trial Dates. The Court orders the following dates: Cut-off date for filing motions to join other parties and amending the pleadings is 8/18/2008. Discovery cut-off is 6/30/09. Class-certificaiton motion cut-off date for motions to be filed is Monday, 1/5/09. (see attached order for further details and requirements) (es) (Entered: 06/23/2008)  |



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|            |           | 06/25/2008)  |
| 06/23/2008 | <u>62</u> | MINUTES: Scheduling Conference held. The Court sets the following dates: Add Claims/Parties cut-off 8/18/2008; Discovery cut-off 6/30/2009; Expert Discovery cut-off 10/30/09; Expert reports Cut-off 7/30/09; Expert report rebuttal cut-off 9/30/09; Law & Motion cut-off of Class Certification motion 1/5/2009; Counsel are reminded of the requirement of Local Rule 16-14. Counsel shall submit their notice of settlement selection within 10 days by Judge Audrey B. Collins. Court Reporter: Katherine Stride. (ir) (Entered: 06/25/2008)   |
| 06/30/2008 | <u>63</u> | NOTICE of Settlement Procedure Selection filed by Defendants J.P. Morgan Chase & Co, Chase Bank U.S.A., N.A.. (Agoglia, Michael) (Entered: 06/30/2008)   |
| 06/30/2008 | <u>64</u> | ANSWER to Complaint - (Discovery) 1 <i>DEFENDANT CHASE BANK USA, N.A.'S ANSWER TO PLAINTIFF'S CLASS ACTION COMPLAINT</i> filed by Defendants J.P. Morgan Chase & Co, Chase Bank U.S.A., N.A..(Agoglia, Michael) (Entered: 06/30/2008)  |
| 06/30/2008 | <u>65</u> | ANSWER to Complaint - (Discovery) 1 <i>DEFENDANT JPMORGAN CHASE &amp; CO.'S ANSWER TO PLAINTIFF'S CLASS ACTION COMPLAINT</i> filed by Defendants J.P. Morgan Chase & Co, Chase Bank U.S.A., N.A..(Agoglia, Michael) (Entered: 06/30/2008)  |
| 07/02/2008 | <u>66</u> | MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins re Joint Notice of Settlement Procedure: On June 30, 2008, the parties filed another Notice of Settlement Procedure. The notice indicates that the parties select settlement procedure number 1 (mediation before a judge or magistrate judge). However, as explained in the Court's April 9, 2008 minute order addressing the parties' previous Notice of Settlement Procedure, the case has already been assigned to Alternative Dispute Resolution. As such, the only options available to the parties are Alternative Dispute Resolution or private mediation (option number 3.) The Court therefore STRIKES the June 30 notice (docket no. <u>63</u> ) and ORDERS the parties to file a new notice selecting either ADR or private mediation as their settlement procedure. The new notice must be filed no later than July 14, 2008. (bm) (Entered: 07/03/2008) |
| 07/14/2008 | <u>67</u> | NOTICE filed by Plaintiff & Defendants Alfredo B Payares, J.P. Morgan Chase & Co, Chase Bank U.S.A., N.A.. of <i>Settlement Procedure Selection</i> (Pintar, Theodore) (Entered: 07/14/2008)   |
| 07/17/2008 | <u>68</u> | STIPULATION for Extension of Time to File Rule 12 Motion Addressed to Answer, Set Briefing Schedule and Hearing filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Proposed Order to Extend Time to File Rule 12 Motion Addressed to Answer, Set Briefing Schedule and Hearing)(Hurst, Leslie) (Entered: 07/17/2008)   |
| 07/22/2008 | <u>69</u> | ORDER by Judge Audrey B. Collins: 1. The time for plaintiff to file Rule 12 motions shall be extended to August 11, 2008. 2. Any oppositions by defendants to plaintiffs Rule 12 motions shall be filed August 25, 2008. 3. Any reply by plaintiff regarding their Rule 12 motions shall be filed September 8, 2008. 4. The parties shall meet and confer at least 10 days before plaintiff is due to file Rule 12 motions, or no later than August 1, 2008; 5. The hearing on plaintiffs Rule 12 motions shall be September 22, 2008, at 10:00 a.m. (ir) (Entered: 07/23/2008)  |
| 07/23/2008 | <u>70</u> | NOTICE Notice of Appearance filed by Plaintiff Alfredo B Payares. (Fialco, Lisa) (Entered: 07/23/2008)   |
| 08/11/2008 | <u>71</u> | STIPULATION for Extension of Time to File Rule 12 Motions Addressed to Answers filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Proposed Order To Extend Time to File Rule 12 Motions Addressed to Answers, Set Hearing Schedule and Hearing)(Hurst, Leslie) (Entered: 08/11/2008)   |
| 08/12/2008 | <u>72</u> | ORDER TO EXTEND TIME TO FILE RULE 12 MOTIONS ADDRESSED TO ANSWERS, SET BRIEFING SCHEDULE AND HEARING by Judge Audrey B. Collins GRANTING Stipulation for Extension of Time to File, <u>71</u> ; Setting Deadlines/Hearings:(Motion filing deadline of 8/25/2008; any oppositions shall be filed by 9/8/08, and any replies shall be filed by 9/22/08 with a hearing on   |

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|            |           | plaintiff's Rule 12 motions set on 10/6/2008 at 10:00 AM or as soon thereafter as the Court may hear the matter.(pp) (Entered: 08/13/2008)  |
| 08/14/2008 | <u>73</u> | Joint STIPULATION to Dismiss Defendant J.P. Morgan Chase &Co filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Proposed Order To Dismiss Defendant J.P. Morgan Chase &Co. Without Prejudice)(Hurst, Leslie) (Entered: 08/14/2008)  |
| 08/14/2008 | <u>74</u> | STIPULATION to AMEND ANSWERS filed by Defendants J.P. Morgan Chase &Co, Chase Bank U.S.A., N.A..(Garbers, Wendy) (Entered: 08/14/2008)  |
| 08/15/2008 | <u>75</u> | ORDER by Judge Audrey B. Collins re Stipulation to Dismiss Party [73. J.P. Morgan Chase &Co shall be dismissed from the Class Action Complaintwithout prejudice. Plaintiff reserves his right to conduct discovery regarding J.P. Morgan Chase and its relationships and dealings with other affiliates. J.P. Morgan Chase reserves its objections to plaintiffs discovery. The dismissal of J.P. Morgan Chase from the Class Action Complaint without prejudice has no bearing on plaintiffs claims against Chase Bank; and Each side to bear its own fees and costs. (ir) (Entered: 08/15/2008) |
| 08/19/2008 | <u>76</u> | AMENDED ANSWER TO COMPLAINT Defendant Chase Bank USA, N.A.'s Amended Answer To Plaintiff's Class Action Complaint filed by Defendant Chase Bank U.S.A., N.A.. (Agoglia, Michael) (Entered: 08/19/2008)  |
| 10/08/2008 | <u>77</u> | ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 08-05 -Related Case- filed. Related Case No: SACV07-794 AG (ANx). Case transfered from Judge Audrey B. Collins and Magistrate Judge Stephen J. Hillman to Judge Andrew J. Guilford and Magistrate Judge Arthur Nakazato for all further proceedings. The case number will now reflect the initials of the transferee Judge CV07-5540 AG (ANx).Signed by Judge Andrew J. Guilford (at) (Entered: 10/08/2008)   |
| 10/16/2008 | <u>78</u> | ORDER Re Early Meeting of Parties and Scheduling Conference by Judge Andrew J. Guilford, ( Scheduling Conference set for 12/15/2008 09:00 AM before Judge Andrew J. Guilford.) (ade) (Entered: 10/17/2008)  |
| 12/08/2008 | <u>79</u> | STATEMENT Supplemental Joint Rule 26(f) Report and Case Management Conference Statement filed by Defendant Chase Bank U.S.A., N.A. (Garbers, Wendy) (Entered: 12/08/2008)   |
| 12/15/2008 | <u>80</u> | SCHEDULING ORDER by Judge Andrew J. Guilford, Set/Reset Deadlines/Hearings:( Discovery cut-off 10/30/2009. Final Pretrial Conference set for 6/28/2010 08:30 AM before Judge Andrew J. Guilford. Jury Trial set for 7/20/2010 09:00 AM before Judge Andrew J. Guilford.) (ade) (Entered: 12/18/2008)  |
| 12/15/2008 | <u>81</u> | MINUTES OF Scheduling Conference held before Judge Andrew J. Guilford. A Final Pretrial Conference is set for 06/28/10 at 8:30 a.m. A Jury Trial is set for 07/20/10 at 9:00 a.m. Court sets the length of trial at 20 days. Scheduling Order Specifying Procedures is signed and filed this date. (See minute order for further details)Court Reporter: Donald Hilland. (db) (Entered: 12/18/2008)   |
| 01/08/2009 | <u>82</u> | Joint STIPULATION to Amend Complaint - (Discovery) 1 filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit A (First Amended Class Action Complaint), # <u>2</u> Proposed Order)(Pintar, Theodore) (Entered: 01/08/2009)  |
| 01/16/2009 | <u>83</u> | ORDER by Judge Andrew J. Guilford, REGARDING FILING of AMENDED COMPLAINT and DESIGNATION of CO-LEAD PLAINTIFFS' COUNSEL: 1. The Amended Complaint is ordered filed this date; 2. After the Amended Complaint is filed, plaintiffs in the Gonzalez action, CV-08-02140 AG(ANx), shall dismiss their Complaint without prejudice; 3. Defendants shall file a response to the Amended Complaint by February 10, 2009. (See document for further details.) IT IS SO ORDERED. (rla) (Entered: 01/16/2009)  |
| 01/16/2009 | <u>84</u> | NOTICE OF DOCUMENT DISCREPANCIES AND ORDER by Judge Andrew J. Guilford ORDERING First Amended Class Action Complaint received on 1/14/2009 to be filed and processed; filing date is to be today. (lwag) (Entered: 01/16/2009)  |

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| 01/16/2009 | <u>85</u> | FIRST AMENDED COMPLAINT against Defendant Chase Bank U.S.A., N.A. amending Complaint – (Discovery) 1 . Filed by Plaintiff Alfredo B Payares (lwag) (Entered: 01/16/2009)   |
| 02/10/2009 | <u>86</u> | ANSWER to Amended Complaint <u>85</u> Defendant Chase Bank USA, N.A.'s Answer to Plaintiffs' First Amended Class Action Complaint filed by Defendant Chase Bank U.S.A., N.A..(Agoglia, Michael) (Entered: 02/10/2009)  |
| 02/10/2009 | <u>87</u> | ANSWER to Amended Complaint <u>85</u> Defendant JPMorgan Chase Bank, N.A.'s Answer to Plaintiffs' First Amended Class Action Complaint filed by Defendant Chase Bank U.S.A., N.A..(Agoglia, Michael) (Entered: 02/10/2009)   |
| 03/12/2009 | <u>88</u> | APPLICATION for attorney Peter A. Muhic to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023629 paid.) filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Certificate in Good Standing, # <u>2</u> Proposed Order)(Plutzik, Alan) (Entered: 03/12/2009)  |
| 03/12/2009 | <u>89</u> | APPLICATION for attorney Edward W. Ciolko to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023975 paid.) filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Certificate of Good Standing, # <u>2</u> Proposed Order)(Plutzik, Alan) (Entered: 03/12/2009)  |
| 03/17/2009 | <u>90</u> | ORDER by Judge Andrew J. Guilford, Granting APPLICATION for attorney Edward W. Ciolko to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023975 paid.) APPLICATION for attorney Edward W. Ciolko to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023975 paid.) <u>89</u> (dmjr) (Entered: 03/18/2009)   |
| 03/17/2009 | <u>91</u> | ORDER by Judge Andrew J. Guilford Granting APPLICATION for attorney Peter A. Muhic to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023629 paid.) APPLICATION for attorney Peter A. Muhic to Appear Pro Hac Vice (PHV Fee of \$185 receipt number 0973000000005023629 paid.) <u>88</u> Peter A. Muhic to appear on behalf of Plaintiff Alfredo B Payares. Alan R. Plutzik is designated as local counsel. Fee PAID. (dg) (Entered: 03/18/2009)   |
| 04/17/2009 | <u>92</u> | Joint STIPULATION for Extension of Time to File Case Deadlines filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Proposed Order to Extend Case Deadlines)(Pintar, Theodore) (Entered: 04/17/2009)   |
| 04/24/2009 | <u>93</u> | ORDER by Judge Andrew J. Guilford, TO EXTEND CASE DEADLINES: IT IS ORDERED THAT the pre-trial and trial schedule in this matter is modified as follows: (Discovery cut-off 1/29/2010, Motions due by 6/22/2010, Final Pretrial Conference set for 9/27/2010 08:30 AM, Jury Trial set for 10/19/2010 09:00 AM) (See document for further details.) IT IS SO ORDERED. (rla) (Entered: 04/24/2009)  |
| 01/20/2010 | <u>94</u> | NOTICE of Change of Attorney Information for attorney Theodore J Pintar counsel for Plaintiff Alfredo B Payares.Leslie E. Hurst is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by Plaintiff Theodore J. Pintar (Pintar, Theodore) (Entered: 01/20/2010)  |
| 03/01/2010 | <u>95</u> | NOTICE OF MOTION AND MOTION to Withdraw Appearance <i>Motion for Withdrawal of Appearance of Alan R. Plutzik, Esq. and the Law Offices of Bramson Plutzik Mahler &amp; Birkhaeuser, LLP and [Proposed] Order</i> filed by Plaintiff Alfredo B Payares. (Plutzik, Alan) (Entered: 03/01/2010)   |
| 03/02/2010 | <u>96</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: MOTION to Withdraw Appearance <i>Motion for Withdrawal of Appearance of Alan R. Plutzik, Esq. and the Law Offices of Bramson Plutzik Mahler &amp; Birkhaeuser, LLP and [Proposed] Order</i> MOTION to Withdraw Appearance <i>Motion for Withdrawal of Appearance of Alan R. Plutzik, Esq. and the Law Offices of Bramson Plutzik Mahler &amp; Birkhaeuser, LLP and [Proposed] Order</i> <u>95</u> . The following error(s) was found: Hearing information is missing and Proposed Document was not submitted as a separate attachment. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs |

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|            |            | you to do so. (rrp) (Entered: 03/02/2010)   |
| 03/02/2010 | <u>97</u>  | ORDER by Judge Andrew J. Guilford: GRANTING Motion for Withdrawal of Appearance of Alan R. Plutzik, ESQ and The Law Offices of Bramson Plutzik Mahler & Birkhaeuser, LLP <u>95</u> . (rla) (Entered: 03/03/2010)  |
| 03/10/2010 | <u>98</u>  | NOTICE OF MOTION AND MOTION for Settlement Approval of Class Action , <i>Preliminary</i> filed by Plaintiff Alfredo B Payares. Motion set for hearing on 4/26/2010 at 10:00 AM before Judge Andrew J. Guilford. (Pintar, Theodore) (Entered: 03/10/2010)  |
| 03/10/2010 | <u>99</u>  | MEMORANDUM in Support of MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 03/10/2010)   |
| 03/10/2010 | <u>100</u> | DECLARATION of Theodore J. Pintar in Support of Unopposed Motion for Preliminary Approval of Class Action Settlement MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 1 Ex. A, # <u>3</u> Exhibit 1 Ex. B, # <u>4</u> Exhibit 1 Ex. C, # <u>5</u> Exhibit 1 Ex. D, # <u>6</u> Exhibit 2)(Pintar, Theodore) (Entered: 03/10/2010)  |
| 03/10/2010 | <u>101</u> | DECLARATION of Gary Klein in Support of Preliminary Approval MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit A)(Pintar, Theodore) (Entered: 03/10/2010)  |
| 03/11/2010 | <u>102</u> | NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents RE: Memorandum in Support of Motion <u>99</u> . The following error(s) was found: Local Rule 11-8 Memorandum/brief exceeding 10 pages shall contain table of contents and table of authorities. In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. You need not take any action in response to this notice unless and until the court directs you to do so. (rrp) (Entered: 03/11/2010)   |
| 03/25/2010 | <u>103</u> | DECLARATION of Hon. Edward A. Infante In Support of Plaintiffs' Motion for Approval of Class Action Settlement MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 03/25/2010)   |
| 03/30/2010 | <u>104</u> | NOTICE of Change of firm name by Theodore J Pintar attorney for Plaintiff Alfredo B Payares. Changing firm name to Robbins Geller Rudman & Dowd LLP. Filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 03/30/2010)   |
| 04/05/2010 | <u>105</u> | NOTICE OF NON-OPPOSITION to MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> <i>Chase Bank USA, N.A. and JP Morgan Chase Bank, N.A.'s Statement of Non-Opposition to Unopposed Motion For Preliminary Approval Of Class Settlement</i> filed by Defendant Chase Bank U.S.A., N.A.. (Agoglia, Michael) (Entered: 04/05/2010)  |
| 04/21/2010 | <u>106</u> | MINUTES OF IN CHAMBERS ORDER by Judge Andrew J. Guilford, CONTINUING HEARING AND INVITING FURTHER BRIEFING: For the reasons that follow, the hearing on Plaintiffs' motion for preliminary approval of class action settlement (Motion) in Payares v. Chase Bank USA, N.A., CV 07-5540 AG (ANx), currently scheduled for April 26, 2010, is CONTINUED to May 17, 2010 at 10:00 a.m.. NAACP, the Payares Plaintiffs, and Chase should have a chance to comment on the Court's concerns. Accordingly, the Court encourages these parties to submit supplemental briefing by May 7, 2010. Such briefs shall not exceed 5 pages. The parties in Payares should also provide declarations concerning whether they know of any other cases that will be affected by approval of the Payares settlement. (rla) (Entered: 04/21/2010) |
| 05/07/2010 | <u>107</u> | SUPPLEMENT to MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> <i>Memorandum in Response to The Court's April 21, 2010 Order</i> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/07/2010)  |
| 05/07/2010 | <u>108</u> | SUPPLEMENT to MOTION for Settlement Approval of Class Action , <i>Preliminary</i> <u>98</u> <i>Supplemental Declaration of Hon. Edward A. Infante (Ret.) in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action</i>  |

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|            |            | <i>Settlement</i> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 05/07/2010)   |
| 05/07/2010 | <u>109</u> | RESPONSE filed by Defendants Chase Bank U.S.A., N.A., JPMorgan Chase Bank NA to Minutes of In Chambers Order/Directive – no proceeding held, Terminate Deadlines and Hearings, Set Motion and RR Deadlines,,,,,, <u>106 April 21, 2010 Order re Preliminary Approval of Class Action Settlement</u> (Attachments: # <u>1</u> Declaration Of Wendy M. Garbers)(Garbers, Wendy) (Entered: 05/07/2010)  |
| 05/17/2010 | <u>110</u> | MINUTES OF Hearing held before Judge Andrew J. Guilford re Motion for Preliminary Approval of Class Action Settlement <u>98</u> . Court and counsel discuss the matter. Motion for preliminary approval is GRANTED. A Final Fairness Hearing is set for September 13, 2010 at 10:00 a.m. Order of Preliminary Approval of Settlement is signed and filed this date. Court Reporter: Denise Paddock. (db) (Entered: 05/17/2010)   |
| 05/17/2010 | <u>111</u> | ORDER of Preliminary Approval of Settlement by Judge Andrew J. Guilford. (See Order for details) (db) (Entered: 05/18/2010)  |
| 07/16/2010 | <u>112</u> | TRANSCRIPT for proceedings held on 051710 DCCD GUILFORD CR 10D PAYARES. Court Reporter/Electronic Court Recorder: DENISE PADDOCK, phone number WWW.OCRECORD.COM. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER WWW.PACERTRANSCRIPTS.COM. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/6/2010. Redacted Transcript Deadline set for 8/16/2010. Release of Transcript Restriction set for 10/14/2010. (Paddock, Denise) (Entered: 07/16/2010)  |
| 07/28/2010 | <u>113</u> | NOTICE OF FILING TRANSCRIPT filed for proceedings 051710 DCCD GUILFORD CR 10D PAYARES (Paddock, Denise) (Entered: 07/28/2010)  |
| 07/28/2010 | <u>114</u> | NOTICE OF DISCREPANCY AND ORDER: by Judge Andrew J. Guilford, ORDERING Malik Bey's Ex Parte App for TRO, Proof of Service, Notice of Intention received on 7/22/2010 is not to be filed but instead rejected. Denial based on: Bey is not a party to the action, documents not properly filed. (lwag) (Entered: 07/29/2010)  |
| 09/02/2010 | <u>115</u> | STIPULATION for Hearing re Final Approval of Class Action Settlement filed by Plaintiffs Chase Bank U.S.A., N.A., J.P. Morgan Chase & Co, JPMorgan Chase Bank NA, Alfredo B Payares. (Attachments: # <u>1</u> Proposed Order re Preliminary Approval of Settlement)(Chavez, Mark) (Entered: 09/02/2010)  |
| 09/03/2010 | <u>116</u> | NOTICE OF MOTION AND MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> filed by plaintiff Alfredo B Payares. Motion set for hearing on 9/13/2010 at 10:00 AM before Judge Andrew J. Guilford. (Chavez, Mark) (Entered: 09/03/2010)   |
| 09/03/2010 | <u>117</u> | DECLARATION of Joint Declaration of Counsel In Support Of MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit Exhibits 1-4, # <u>2</u> Exhibit Exhibits 5-7)(Chavez, Mark) (Entered: 09/03/2010)   |
| 09/03/2010 | <u>118</u> | MEMORANDUM in Support of MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> filed by Plaintiff Alfredo B Payares. (Chavez, Mark) (Entered: 09/03/2010)   |
| 09/03/2010 | <u>119</u> | MEMORANDUM in Support of <i>Motion for Final Approval of Class Action Settlement</i> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Appendix Final Judgment and Order of Dismissal)(Pintar, Theodore) (Entered: 09/03/2010)  |
| 09/03/2010 | <u>120</u> | DECLARATION of Theodore J. Pintar Regarding Class Member Correspondence MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> |

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|            |            | Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29)(Pintar, Theodore) (Entered: 09/03/2010)  |
| 09/10/2010 | <u>121</u> | SUPPLEMENT to MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> <i>Supplemental Declaration of Theodore J. Pintar</i> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Pintar, Theodore) (Entered: 09/10/2010)   |
| 09/13/2010 | <u>122</u> | NOTICE OF LODGING filed <i>Notice of Lodging of Revised Proposed Supplemental Order Re Approval of Settlement</i> re Stipulation for Hearing, <u>115</u> (Attachments: # <u>1</u> Proposed Order Revised Proposed Supplemental Order Re Approval of Settlement, # <u>2</u> Exhibit to Revised Proposed Supplemental Order)(Agoglia, Michael) (Entered: 09/13/2010)   |
| 09/13/2010 | <u>123</u> | MINUTES held before Judge Andrew J. Guilford re Final Fairness Hearing and Plaintiff's Motion for Attorney Fees, Costs and Expenses and Approval of Class Representative Service Awards. Court and counsel discuss this matter. The final fairness hearing and motion for attorney fees are continued to November 8, 2010 at 10:00 a.m. before Judge Andrew J. Guilford. Court Reporter: Denise Paddock. (jba) (Entered: 09/14/2010) |
| 09/15/2010 | <u>124</u> | REVISED SUPPLEMENTAL ORDER RE APPROVAL OF SETTLEMENT by Judge Andrew J. Guilford, re Preliminary Approval Order <u>111</u> . The Court supplements and amends the Preliminary Approval Order. (See document for details.) IT IS SO ORDERED. (rla) (Entered: 09/15/2010)  |
| 11/02/2010 | <u>125</u> | SUPPLEMENT to MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> <i>Plaintiffs' Supplemental Memorandum in Further Support of Class Action Settlement and Award of Attorneys Fees and Expenses</i> filed by Plaintiff Alfredo B Payares. (Pintar, Theodore) (Entered: 11/02/2010)  |
| 11/02/2010 | <u>126</u> | DECLARATION of Theodore J. Pintar In Support of MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> <i>and in Further Support of Final Approval</i> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Pintar, Theodore) (Entered: 11/02/2010)   |
| 11/02/2010 | <u>127</u> | DECLARATION of L. Stephens Tilghman In Support of MOTION for Attorney Fees <i>Costs, and Expenses and Approval of Class Representative Service Awards</i> <u>116</u> <i>and Regarding Supplemental Class Notice</i> filed by Plaintiff Alfredo B Payares. (Attachments: # <u>1</u> Exhibit A)(Pintar, Theodore) (Entered: 11/02/2010)  |
| 11/08/2010 | <u>128</u> | MINUTES OF Motion Hearing rer Plaintiff's Motion for Attorney's Fees, Costs and Expenses and Approval of Class Representative Service Awards and Final Fairness Hearing held before Judge Andrew J. Guilford. Court and counsel confer re the settlement. The Court approves the settlement and grants the motion for attorneys fees. A separate order shall be issued. Court Reporter: Denise Paddock. (db) (Entered: 11/10/2010)   |
| 11/09/2010 | <u>130</u> | MINUTE ORDER IN CHAMBERS by Judge Andrew J. Guilford re Supplemental Order Granting Class Action Attorney Fees. The Court finds that the requested attorney fee and cost award is reasonable and therefore grants the request. (See Order for details) (db) (Entered: 11/12/2010)  |
| 11/09/2010 | <u>132</u> | FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE by Judge Andrew J. Guilford. It Is Ordered that This Court approves the Settlement and all terms set forth in the Settlement Agreement. Any person wishing to appeal this Final Judgment need not post a bond with this Court, since this has been waived. See Order for further information. RE <u>129</u> (MD JS-6, Case Terminated). (twdb) (Entered: 11/14/2010)            |
| 11/11/2010 | <u>129</u> | NOTICE OF LODGING filed <i>of Joint Submission of Revised [Proposed] Final Judgment and Order of Dismissal with Prejudice</i> re Memorandum in Support of Motion <u>118</u> , Order on Motion for Attorney Fees, Motion Hearing, <u>128</u> , Memorandum in Support of Motion <u>119</u> (Attachments: # <u>1</u> Proposed Order)(Pintar,  |

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|            |            | Theodore) (Entered: 11/11/2010)  |
| 11/12/2010 | <u>131</u> | TRANSCRIPT for proceedings held on 091310 DCCD GUILFORD CR 10D PAYARES. Court Reporter/Electronic Court Recorder: DENISE PADDOCK, phone number WWW.OCRECORD.COM. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Electronic Court Recorder before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER WWW.PACERTRANSCRIPTS.COM. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 12/3/2010. Redacted Transcript Deadline set for 12/13/2010. Release of Transcript Restriction set for 2/10/2011. (Paddock, Denise) (Entered: 11/12/2010) |
| 03/11/2011 | <u>133</u> | NOTICE OF FILING TRANSCRIPT filed for proceedings 051710 DCCD GUILFORD CR 10D PAYARES G46 www.pacertranscripts.com (Paddock, Denise) (Entered: 03/11/2011)   |
| 03/11/2011 | <u>134</u> | NOTICE OF FILING TRANSCRIPT filed for proceedings 091310 DCCD GUILFORD CR 10D PAYARES G46 www.pacertranscripts.com (Paddock, Denise) (Entered: 03/11/2011)   |