

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CASE NO. 11-md-02290-RGS

IN RE: JPMORGAN CHASE
MORTGAGE MODIFICATION LITIGATION

MDL ORDER No. 2: SCHEDULING

November 28, 2011

STEARNS, D.J.

The parties submitted their joint scheduling statement on November 23, 2011, as ordered, acknowledging that after repeated attempts they were unable to reach agreement on several relevant issues. Instead, plaintiffs and defendant have laid out their respective proposed positions in the joint statement.

The court prefers plaintiff's proposal to file a consolidated and amended Complaint (CAC). Although the court recognizes defendant's concerns that differing state law claims may cause obstacles to the efficient prosecution of the litigation, these are not insurmountable. *See In re Lupron Marketing and Sales Practices Litig.*, 228 F.R.D. 75, 80-81 (D. Mass. 2005) (plaintiffs permitted to file consolidated amended complaint that included multiple state consumer protection claims); *see also In re Bank of America HAMP Contract Litigation*, 1:10-md-02193 (Dkt # 10). The court is open

to reconsideration of its decision as the case develops, should it appear that proceeding on a global basis is becoming unmanageable.

The court declines to adopt a bifurcated, or phased, discovery. At this juncture in the MDL proceedings, the issues of certification and merits are too closely intertwined to be easily separated. The court will expect plaintiffs to present the certification issues at the earliest practical time as Fed. R. Civ. P. 23 contemplates and, in any event, no later than the date specified in the court's Order.

The court will adopt the following pretrial deadlines:

- *Filing of CAC: **January 13, 2012***
- *Response to CAC: **February 13, 2012***
- *Reply to response: **February 27, 2012***
- *Opening disclosure of expert(s) for class certification, pursuant to Fed. R. Civ. P. 26(a)(2): **April 2, 2012***
- *Any additional dispositive motions: **May 18, 2012***
- *Close of fact discovery regarding named plaintiffs' modification transactions and class certification: **May 18, 2012***
- *Disclosure of rebuttal expert(s) for class certification: **May 18, 2012***
- *Cut-off date for expert discovery for class certification: **July 2, 2012***
- *Motion(s) for Summary Judgment: **August 1, 2012***

- *Oppositions to Motion(s) for Summary Judgment: August 31, 2012*
- *Replies in support of Motion(s) for Summary Judgment: September 14, 2012*
- *Motion for Class Certification: August 1, 2012*
- *Opposition to Motion for Class Certification: August 31, 2012*
- *Reply in support of Motion for Class Certification: September 14, 2012*
- *Parties to submit a joint proposal regarding further case deadlines: 14 days after class certification decision*

Counsel will observe the discovery limitations set forth in the applicable federal and local rules. Among these limitations, the court notes that: (1) counsel shall, to the extent possible, coordinate and consolidate any requests for production and examination of documents; (2) without leave of court, the allotted interrogatories shall not include more than 25 sub-parts; (3) absent a written agreement by the parties to the contrary, or for good cause shown, the parties will not be permitted to re-depose a witness or party previously deposed in connection with any of the MDL cases, except to the extent that the witness or party was produced for a limited purpose or on a limited basis, as previously agreed to by the parties; and (4) the parties may extend the protective order previously entered in *Durmic v. JPMorgan Chase*, 1:10-cv-10380 (Dkt # 72), as appropriately revised.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE