

1 MATTHEW W. CLOSE (S.B. #188570)
2 DANIELLE N. OAKLEY (S.B. #246295)
3 O'MELVENY & MYERS LLP
4 400 South Hope Street
5 Los Angeles, California 90071-2899
6 Telephone: (213) 430-6000
7 Facsimile: (213) 430-6407

8 BRIAN BOYLE (S.B. # 126576)
9 O'MELVENY & MYERS LLP
10 1625 Eye Street N.W.
11 Washington, D.C. 20006-4001
12 Telephone: (202) 383-5300
13 Facsimile: (202) 383-5414

14 *Attorneys for Defendant*
15 *Bank of America, N.A.*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 JOANNE FARRELL, on behalf of
19 herself and all others similarly situated,
20
21 Plaintiff,
22
23 v.
24 BANK OF AMERICA, N.A.,
25
26 Defendant.

Case No. 3:16-cv-00492-L-WVG

JOINT MOTION

Judge: Hon. M. James Lorenz
Courtroom: 5B

27
28

1 Pursuant to Civil Local Rule 7.2, Defendant Bank of America, N.A.
2 (“BANA”) and Plaintiff Joanne Farrell (“Plaintiff”) (collectively, “the Parties”)
3 respectfully submit the following joint motion:

4 WHEREAS, on March 13, 2017, Plaintiff filed an unopposed motion to
5 amend her Complaint to add Ronald Dinkins, Larice Addamo, and Tia Little as
6 three additional named plaintiffs;

7 WHEREAS, on October 30, 2017, BANA entered into a settlement
8 agreement with Plaintiff, Ronald Dinkins, Larice Addamo, and Tia Little on behalf
9 of the Settlement Class defined in the Settlement Agreement;

10 WHEREAS, on December 11, 2017, the Court granted Plaintiff’s Unopposed
11 Motion to Amend Complaint, to Add Class Representatives, and to Modify Case
12 Style [Dkt. No. 60], adding Ronald Anthony Dinkins, Larice Addamo, and Tia
13 Little as Plaintiffs;

14 WHEREAS, on December 11, 2017, the Court designated Plaintiff, Ronald
15 Dinkins, Larice Addamo, and Tia Little as the Class Representatives of the
16 Settlement Class;

17 WHEREAS, to effectuate Final Approval of the Settlement, the Parties agree
18 that the Amended Complaint attached as *Exhibit A* to Plaintiff’s Motion to Amend
19 Complaint, to Add Class Representatives, and to Modify Case Style [Dkt. No. 60]
20 shall be deemed filed; and

21 WHEREAS, the Parties agree that all material allegations therein shall be
22 deemed denied by BANA and all legally permissible affirmative defenses will be
23 deemed pled and preserved all without prejudice to BANA’s right to file a formal
24 answer to the operative complaint should the settlement not become effective.

25 IT IS HEREBY STIPULATED:

- 26 1. The Amended Complaint attached as *Exhibit A* to Plaintiff’s
27 Unopposed Motion to Amend Complaint, to Add Class
28 Representatives, and to Modify Case Style [Dkt. No. 60] shall be

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

deemed filed and henceforth deemed to be the operative complaint;
and

2. All material allegations therein shall be deemed denied by BANA and all legally permissible affirmative defenses will be deemed pled and preserved all without prejudice to BANA’s right to file a formal answer to the operative complaint should the settlement not become effective.

Accordingly, the Parties respectfully request that the Court enter an order in conformance hereto.

Dated: December 21, 2017

Respectfully submitted,

O’MELVENY & MYERS LLP

By: s/ Matthew W. Close
Matthew W. Close

Attorneys for Defendant
Bank of America, N.A.

Dated: December 21, 2017

Respectfully submitted,

TYCKO & ZAVAREEI LLP

By: s/ Hassan Zavareei
Hassan Zavareei

Attorneys for Plaintiff Joanne Farrell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 21, 2017

Respectfully submitted,

CREED & GOWDY P.A.

By: s/ Bryan S. Gowdy

Bryan S. Gowdy

Attorneys for Plaintiff Joanne Farrell

Dated: December 21, 2017

Respectfully submitted,

KOPELOWITZ OSTROW P.A.

By: s/ Jeff Ostrow

Jeff Ostrow

Attorneys for Plaintiff Joanne Farrell

Dated: December 21, 2017

Respectfully submitted,

KELLEY UUSTAL PC

By: s/ Cristina M. Pierson

Cristina M. Pierson

Attorneys for Plaintiff Joanne Farrell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Hassan Zavareei, Bryan S. Gowdy, Jeff Ostrow, and Cristina M. Pierson, counsel for Plaintiff Joanne Farrell, and that I have obtained the approval of Mr. Zavareei, Mr. Gowdy, Mr. Ostrow, and Ms. Pierson to affix their electronic signatures to this document.

Dated: December 21, 2017

Respectfully submitted,

O'MELVENY & MYERS LLP

By: s/ Matthew W. Close
Matthew W. Close

Attorneys for Defendant

1 MATTHEW W. CLOSE (S.B. #188570)
2 DANIELLE N. OAKLEY (S.B. #246295)
3 O'MELVENY & MYERS LLP
4 400 South Hope Street
5 Los Angeles, California 90071-2899
6 Telephone: (213) 430-6000
7 Facsimile: (213) 430-6407

8 Attorneys for Defendant
9 Bank of America, N.A.

10
11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 JOANNE FARRELL, on behalf of
14 herself and all others similarly situated,

15 Plaintiff,

16 v.

17 BANK OF AMERICA, N.A.,

18 Defendant.

19 Case No. 3:16-cv-00492-L-WVG

20 **PROOF OF SERVICE**

21 Judge: Hon. M. James Lorenz
22 Courtroom: 5B

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE VIA CM/ECF

I, Matthew W. Close, declare as follows:

I am over the age of 18 years and not a party to the action. I am employed in the County of Los Angeles, California. My business address is 400 South Hope St., Los Angeles, CA 90071.

On December 21, 2017, I caused service of the attached documents entitled **JOINT MOTION** on the interested parties in this action by electronically filing the foregoing with the Clerk of the Court through the CM/ECF system, which will then send a notification of such filing to registered recipients for this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 21st day of December, 2017 at Los Angeles, California.

By: s/ Matthew W. Close

Matthew W. Close

Attorneys for Defendant
Bank of America, N.A.
E-mail: mclose@omm.com