

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

ResCap Liquidating Trust,  Plaintiff,  v.  LendingTree, LLC, and Lending Tree, Inc.  Defendants.	Case No. 19-cv-2360 (SRN/HB)  <b>ORDER</b>
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SUSAN RICHARD NELSON, United States District Judge

Before the Court is a letter request [Doc. No. 26] filed by Plaintiff ResCap Liquidating Trust (“ResCap”), seeking an order regarding the following scheduling matters: (1) that the Rule 26(f) conference in this matter be held by October 4, 2019; (2) that the parties submit a Rule 26(f) report and proposed scheduling order by October 11, 2019; and (3) that the Court schedule an initial case management and scheduling conference for October 25, 2019. (Pl.’s Letter at 2.) Plaintiff notes that because its counsel will be appearing before

the Court on October 25, 2019 for a scheduling conference in *In Re: RFC and ResCap Liquidating Trust Litigation*, 13-cv-3451 (SRN/HB), it would save time and expense to conduct a case management conference in the instant case on the same day. (*Id.* at 1.)

Defendants oppose the request [Doc. No. 27], and ask that the Court delay the timing of these events until after Defendants have responded to the Complaint. They note that pursuant to the parties' agreement, their response to the Complaint is due on or before October 17, 2019. (Def.'s Letter at 1.) Defendants assert that there is good cause to wait to schedule the Rule 16 conference, as it would not be productive to hold it in just a few days' time. (*Id.*) As to the case management conference, they note that defense co-counsel is unavailable on October 25. (*Id.*) To the extent that Defendants respond to the Complaint with a dispositive motion, they state that the parties have not yet met and conferred. (*Id.*) If ordered to meet on Plaintiff's proposed timetable, Defendants assert that they would be required to divulge their thoughts on the response to the Complaint in advance of the stipulated October 17, 2019 deadline. (*Id.*)

The Court appreciates Plaintiff's interest in moving the case forward in an expeditious manner and, in the interest of the parties' time and expense, scheduling the case management conference to coincide with the case management conferences in *In Re: RFC and ResCap Liquidating Trust Litigation*. However, because Defendants have not yet responded to the Complaint, the Court will defer scheduling the Rule 16 conference, to be held before the undersigned judge, until after they have done so. Accordingly, Plaintiff's letter request is respectfully denied. The Court also notes that the parties are welcome to hold the Rule 16 conference via teleconference.

**SO ORDERED.**

Dated: October 2, 2019

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge