

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
Indianapolis Division**

In re:

Demona Freeman,

Case No. 12-04713-JJG-13

Debtor.

Chapter 13

Demona Freeman,

Plaintiff,

v.

Adversary No. 21-50006

PHH Mortgage f/k/a Ocwen Loan
Servicing, LLC, and Ocwen Financial
Corporation,

Defendants.

MOTION TO AMEND SCHEDULING ORDER

Pursuant to the Federal Rules of Bankruptcy Procedure Rule 9006(b) and Local Rule B-7006-1(b), Defendants PHH Mortgage Corporation, successor by merger to Ocwen Loan Servicing, LLC,¹ and Ocwen Financial Corporation (collectively “Defendants”), hereby request that the Court amend the scheduling order to: (1) extend all pre-trial deadlines by approximately sixty (60) days and (2) reset the trial date, at the Court’s convenience, for a time in October of 2022. In support of the instant Motion, Defendants state as follows:

¹ Plaintiff has erroneously identified PHH Mortgage as the name of the entity and as being “f/k/a Ocwen Loan Servicing, LLC.” However, the correct name of this entity is PHH Mortgage Corporation, which existed prior to its merger with Ocwen Loan Servicing, LLC, therefore the “formerly known as” designation is erroneous.

1. Alongside this Adversary Proceeding, the Parties are also engaged in litigation in the related United States District Court case styled as *Demonia Freeman v. Ocwen Loan Servicing, LLC, et al*, Case No. 1:18-CV-3844-TWP-DLP (S.D. Ind) (the “District Court Case”).

2. The trial in the District Court Case is currently scheduled for the first week of August (i.e., the week before the trial in this Adversary Proceeding is to commence). As a result, Defendants believe it would be impracticable to conduct both trials back-to-back. Specifically, Defendants will need time between the trials to prepare, as there are substantive differences in the claims, evidence, and witnesses between the two matters.

3. The Parties are also scheduled to engage in a settlement conference in the District Court Case on May 24, 2022. Defendants are hopeful that both the District Court Case and this matter can be fully resolved during that settlement conference.

4. There is good cause to grant this Motion and extend the pre-trial deadlines and trial date because it will allow the Parties to focus on resolving this matter at the settlement conference scheduled for May 24, while also providing additional time to complete discovery and any motions practice in this matter if the matters cannot be resolved. Moreover, moving the trial date will provide the Parties with adequate time to prepare for the two separate trials should both matters reach trial.

5. This Motion is not being made for the purpose of vexation or delay, and granting this Motion will only conserve resources of both Parties and the Court.

6. Defendants have conferred with counsel for Plaintiff, and Plaintiff opposes this Motion.

WHEREFORE, for the reasons stated above, Defendants respectfully request that the Court grant their Motion.

Dated: May 4, 2022

Respectfully submitted,

By: /s/ Ethan G. Ostroff

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*Counsel for PHH Mortgage Corporation and
Ocwen Financial Corporation*

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2022, a true and correct copy of the foregoing *Motion to Amend Scheduling Order* was filed via the Court's CM/ECF system, which will distribute copies to counsel of record.

By: /s/ Ethan G. Ostroff
Ethan G. Ostroff