

JAN 20 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RANDALL D. BUCKLEY, an individual  
man,

Plaintiff - Appellant,

v.

COUNTRYWIDE HOME LOANS INC, a  
New York corporation and  
COUNTRYWIDE FINANCIAL  
CORPORATION, a Delaware corporation,

Defendants - Appellees.

No. 10-56180

D.C. No. 3:09-cv-00064-DMS-  
WMC

ORDER

Appeal from The United States District Court  
for the Southern District of California  
Dana M. Sabraw, District Judge, Presiding

Argued and Submitted January 9, 2012  
Pasadena, California

Before: REINHARDT and W. FLETCHER, Circuit Judges, and BREYER\*, District  
Judge.\*

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\* The Honorable Charles R. Breyer, U.S. District Judge for the  
Northern District of California, sitting by designation.

\*\* This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

On the assumption that changes to the initial written disclosures were routinely made orally, we affirm without prejudice the district court's decision denying class certification. The District Court may, however, wish to conduct further proceedings regarding the actual practice of Countrywide, including whether logs were kept of calls relating to such changes, and may permit plaintiff to conduct further discovery toward that end.

**AFFIRMED.**