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12 Attorneys for Plaintiff and the proposed Class

13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA

15 KEITH KOMARNICKI, on behalf of himself
16 and all others similarly situated,

17 Plaintiffs,

18 v.

19 LINKUS ENTERPRISES, LLC, LINKUS
20 ENTERPRISES, INC., LINKUS CA, DISH
21 NETWORK SERVICE CORPORATION,
22 DISH NETWORK CALIFORNIA SERVICE
23 CORPORATION, and DOES 1-50, inclusive,

24 Defendants.

Case No. 1:16-cv-01602-DAD-SKO

**JOINT STIPULATION AND ORDER TO
MODIFY PLAINTIFF'S CLASS
CERTIFICATION DISCOVERY
DEADLINE AND BRIEFING SCHEDULE**

(Doc. 56)

Date Removed: October 21, 2016

Judge: Sheila K. Oberto

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Attorneys for Defendants
DISH NETWORK SERVICE CORPORATION
and DISH NETWORK CALIFORNIA SERVICE
CORPORATION

1 Pursuant to Local Rules 143, this Stipulation is entered into by and between Plaintiff Keith
2 Komarnicki (“Plaintiff”), Defendants LinkUs Enterprises, LLC, (“LinkUs”), DISH Network L.L.C.,
3 and Dish Network California Service Corporation (the latter two Defendants are referred to jointly as
4 “Dish Network,” LinkUs and Dish Network are referred to collectively as “Defendants”), based upon
5 the following facts:

6 WHEREAS, Plaintiff’s case was removed to this Court on October 21, 2016, and Plaintiff filed
7 his First Amended Complaint on April 19, 2017;

8 WHEREAS, Plaintiff served his written discovery requests to Defendant on April 14, 2017,
9 and agreed to multiple extensions for Defendants’ deadline to respond to Plaintiff’s written discovery
10 until after Defendants’ motion to stay was resolved;

11 WHEREAS, after Defendant’s motion to stay was denied, on August 23, 2017, this Court
12 entered an amended scheduling order providing a a deadline of February 26, 2018 for the completion
13 of class certification discovery; and a briefing schedule on Plaintiff’s class certification motion, which
14 set Plaintiff’s deadline to file his motion for class certification on April 27, 2018; Defendant’s deadline
15 to file an opposition on May 25, 2018; Plaintiff’s deadline to file a reply on June 22, 2018; and the
16 Court’s hearing on Plaintiff’s class certification motion is scheduled for July 17, 2018;

17 WHEREAS, the Parties are currently in the midst of exchanging responses to written
18 discovery, and are actively meeting and conferring over multiple outstanding discovery issues;

19 WHEREAS, the Parties are currently in the midst of meeting and conferring over the terms of
20 a stipulated protective order with respect to the Parties’ exchange of written discovery;

21 WHEREAS, in addition to written discovery, the Parties will also require the taking of
22 depositions prior to Plaintiff’s class certification motion. The Parties are meeting and conferring over
23 the scheduling of Plaintiff’s deposition and a Rule 30(b)(6) deposition.
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1 WHEREAS, Plaintiff contends that the discovery outlined above will potentially conserve both
2 the Parties' and the Court's resources by crystalizing the scope of claims before engaging in class
3 certification briefing;

4 WHEREAS, this Stipulation is not entered for dilatory or any other improper purpose, and will
5 not result in prejudice to any party if granted;

6 NOW THEREFORE, based on the foregoing, the Parties hereby stipulate as follows:

- 7 1. The deadline for the completion of class certification discovery, currently set for
8 February 26, 2018, is is CONTINUED to **June 26, 2018**;
- 9 2. The deadline for Plaintiff to file his motion for class certification, currently set for April
10 27, 2018, is CONTINUED to **August 27, 2018**;
- 11 3. The deadline for Defendants to file an opposition to Plaintiff's class certification
12 motion, if any, currently set for May 25, 2018, is CONTINUED TO **September 25,**
13 **2018**;
- 14 4. The deadline for Plaintiff's reply in support of Plaintiff's class certification motion, if
15 any, currently set for June 22, 2018, is CONTINUED to **October 22, 2018**;
- 16 5. The hearing on Plaintiff's motion for class certification, currently set July 17, 2018, is
17 CONTINUED to **November 20, 2018, at 9:30 a.m. in Courtroom 7** before the
18 Honorable Sheila K. Oberto, United States Magistrate Judge.

19 IT IS SO STIPULATED

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21 Date: January 17, 2018

Respectfully Submitted,

22 /s/ Carolyn H. Cottrell

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DATED: January 17, 2018

SUTTON HAGUE LAW CORPORATION, P.C.

By: /s/ S. Brett Sutton
S. BRETT SUTTON
Attorneys for Defendants
LINKUS ENTERPRISES, LLC

DATED: January 17, 2018

LITTLER MENDELSON, P.C.

By: /s/ Jose Macias, Jr.
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NEDA N. DAL CIELO
JOSE MACIAS, JR.
Attorneys for Defendants
DISH NETWORK SERVICE CORPORATION
AND DISH NETWORK CALIFORNIA
SERVICE CORPORATION

1 **ORDER**

2 Based on the parties' above-stipulation to modify the class certification briefing schedule (Doc.
3 56), and good cause appearing pursuant to Fed. R. Civ. P. 16(b)(4), the Court hereby GRANTS the
4 stipulation and modifies its August 23, 2017, order (Doc. 54) as follows:

EVENT	CURRENT DATE	NEW DATE
Class certification discovery cut-off	February 26, 2018	June 26, 2018
Class certification motion filing	April 27, 2018	August 27, 2018
Class certification motion opposition filing	May 25, 2018	September 25, 2018
Class certification motion reply filing	June 22, 2018	October 22, 2018
Class certification motion hearing	July 17, 2018	November 20, 2018 ¹

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9 To allow the Court the opportunity to rule on Plaintiff's class certification motion, the mid-
10 discovery status conference currently set for September 25, 2018, is hereby VACATED and RESET
11 for January 17, 2019.

12 These extensions do not alter any other scheduling deadlines, as no other deadlines or dates
13 have been set in this matter.

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15 IT IS SO ORDERED.

16 Dated: January 19, 2018

17 */s/ Sheila H. Oberto*
18 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The parties indicate in their stipulation that Plaintiff's motion for class certification will be heard before the undersigned.
28 **The motion will be heard before U.S. District Court Judge Dale A. Drozd at 9:30 a.m. in Courtroom 5.**