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11 Additional Counsel on the following page  
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13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15 KEITH KOMARNICKI, on behalf of himself  
 16 and all others similarly situated,  
 17  
 18 Plaintiff,  
 19 v.  
 20 LINKUS ENTERPRISES, LLC, LINKUS  
 21 ENTERPRISES, INC., LINKUS CA, DISH  
 22 NETWORK SERVICE CORPORATION,  
 23 DISH NETWORK CALIFORNIA SERVICE  
 24 CORPORATION, and DOES 1-50, inclusive,  
 25  
 26 Defendants.

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

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

**(Doc. 60)**

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 Rule 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  
7 filed his First Amended Complaint on April 19, 2017;

8 WHEREAS, Plaintiff served his written discovery requests to Defendant on April 14, 2017.  
9 Multiple extensions for Defendants’ deadline to respond to Plaintiff’s written discovery were granted,  
10 and Defendants were ultimately relieved of their obligation to respond to Plaintiff’s discovery until  
11 LinkUs’s motion to stay was resolved;

12 WHEREAS, after extensive meet and confer efforts involving multiple telephone conferences  
13 and numerous letters and emails, the Parties have executed a proposed Stipulated Protective Order and  
14 Clawback Agreement, Defendants have begun production of documents that do not involve  
15 electronically stored information (“ESI”), and the Parties anticipate that production of Defendants’  
16 electronically stored information will begin shortly;

17 WHEREAS, the Parties are currently engaged in additional meet and confer to finalize the  
18 scope and mechanics of the ESI productions;

19 WHEREAS, in addition to written discovery, the Parties will also require the taking of  
20 depositions prior to Plaintiff’s class certification motion and after the Parties have reviewed written  
21 discovery;

22 WHEREAS, this Court entered an amended scheduling order on January 22, 2018 (Doc. 57)  
23 setting deadlines of June 26, 2018 for the completion of class certification discovery; August 27, 2018  
24 for Plaintiff to file his motion for class certification; September 25, 2018 for Defendants to oppose the  
25 motion for class certification; October 22, 2018 for Plaintiff to reply in support of the motion for class  
26 certification; along with a hearing date for the motion for class certification of November 20, 2018 at  
27

1 9:30 a.m. before U.S. District Judge Dale A. Drozd and a mid-discovery status conference on January  
2 17, 2019 before U.S. Magistrate Judge Sheila K. Oberto, pursuant to the Parties' stipulation;

3 WHEREAS, the Parties agree that additional time is required to conduct class certification  
4 discovery, and Plaintiff contends that the discovery outlined above will potentially conserve both the  
5 Parties' and the Court's resources by crystalizing the scope of claims before engaging in class  
6 certification briefing;

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

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

- 10 1. The deadline for the completion of class certification discovery, currently set for June  
11 26, 2018, is CONTINUED to **September 26, 2018**;
- 12 2. The deadline for Plaintiff to file his motion for class certification, currently set for  
13 August 27, 2018, is CONTINUED to **November 20, 2018**;
- 14 3. The deadline for Defendants to file an opposition to Plaintiff's class certification  
15 motion, if any, currently set for September 25, 2018, is CONTINUED TO **December**  
16 **20, 2018**;
- 17 4. The deadline for Plaintiff's reply in support of Plaintiff's class certification motion, if  
18 any, currently set for October 22, 2018, is CONTINUED to **January 21, 2019**;
- 19 5. The hearing on Plaintiff's motion for class certification, currently set November 20,  
20 2018, is CONTINUED to **February 19, 2019, at 9:30 a.m. in Courtroom 5** before the  
21 Honorable Dale A. Drozd, U.S. District Judge.

22 IT IS SO STIPULATED

23  
24 DATED: May 18, 2018

Respectfully Submitted,

25 /s/ Carolyn Hunt Cottrell  
26 Carolyn Hunt Cottrell (SBN 166977)  
27 SCHNEIDER WALLACE  
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Attorneys for Plaintiff and the proposed Class

DATED: May 18, 2018

SUTTON HAGUE LAW CORPORATION, P.C.

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

DATED: May 18, 2018

LITTLER MENDELSON, P.C.

By: /s/ Marlene S. Muraco  
MARLENE S. MURACO  
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 60), and good cause appearing pursuant to Fed. R. Civ. P. 16(b)(4), the Court hereby GRANTS the  
4 stipulation and modifies its January 22, 2018 order (Doc. 57) as follows:

EVENT	CURRENT DATE	NEW DATE
Class certification discovery cut-off	June 26, 2018	September 26, 2018
Class certification motion filing	August 27, 2018	November 20, 2018
Class certification motion opposition filing	September 25, 2018	December 20, 2018
Class certification motion reply filing	October 22, 2018	January 21, 2019
Class certification motion hearing	November 20, 2018	February 19, 2019, at 9:30 a.m. (before the Honorable Dale A. Drozd, U.S. District Judge, in Courtroom 5)

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10 To allow the Court the opportunity to rule on Plaintiff's class certification motion, the mid-  
11 discovery status conference currently set for January 17, 2019, is hereby CONTINUED to April 23,  
12 2019, at 10:15 A.M. in Courtroom 7 (SKO) before Magistrate Judge Sheila K. Oberto.

13  
14  
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16  
17 IT IS SO ORDERED.

18 Dated: May 22, 2018

19 */s/ Sheila K. Oberto*  
20 UNITED STATES MAGISTRATE JUDGE