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16 **UNITED STATES DISTRICT COURT**
17 **EASTERN DISTRICT OF CALIFORNIA**

19 ALBA MORALES; LAINIE COHEN; LINDA)
20 CLAYMAN; and KENNETH DREW, on behalf of)
themselves and others similarly situated,)

21 Plaintiffs,)

22 vs.)

23 CONOPCO INC., d/b/a UNILEVER,)

24 Defendant.)
25)

CIV NO. 2:13-cv-2213 WBS EFB
STIPULATION AND [~~PROPOSED~~]
SECOND MODIFIED SCHEDULING
ORDER

26 The parties in the above-captioned matter, by and through their designated counsel,
27 **HEREBY AGREE AND STIPULATE** as follows:
28

1 WHEREAS, the parties to this case seek to modify the scheduling order [Dkt. #43] (the
2 “Order”); and

3 WHEREAS, the parties have had preliminary discussions concerning the possibility of
4 reaching a settlement in the litigation; and

5 WHEREAS, the parties have scheduled a mediation for June 15, 2015 in New York City
6 with Jonathan Marks, an experienced and respected mediator; and

7 WHEREAS, the parties have been diligently working to complete discovery in this action, as
8 follows:

- 9 • Plaintiffs served Defendant with an initial set of interrogatories and requests for
10 production on April 17, 2014;
- 11 • Defendant responded to Plaintiffs’ initial set of interrogatories and requests for
12 production on June 3, 2014;
- 13 • Defendant served Plaintiffs with initial sets of interrogatories and requests for
14 production on August 6, 2014;
- 15 • All Plaintiffs responded to Defendant’s initial set of interrogatories and requests for
16 production by November 14, 2014;
- 17 • Defendant made its first production of 24,755 pages of documents on December 31,
18 2014;
- 19 • Defendant produced an additional 101,248 pages of documents on February 26, 2015;
- 20 • Defendant produced an additional 25,791 pages of documents on March 3, 2015;
- 21 • Counsel for Plaintiffs have been diligently reviewing and analyzing the documents
22 produced by Defendant;
- 23 • Defendant took the deposition of Plaintiff Kenneth Drew in Albany, New York on
24 March 31, 2015;
- 25 • Defendant took the deposition of Plaintiff Lainie Cohen in Boston, Massachusetts on
26 April 9, 2015;
- 27
- 28

- Defendant took the deposition of Plaintiff Alba Morales in New York City on April 23, 2015; and

WHEREAS, the parties have met and conferred, and have determined that, although considerable discovery has been taken, additional time is needed to complete fact discovery, including the taking of additional depositions, prior to beginning the expert discovery phase; and

WHEREAS, the parties have also agreed that a modification of the existing schedule would be beneficial to their efforts to prepare for the mediation scheduled for June 15, 2015; and

WHEREAS, based on the foregoing, the parties wish to extend the time for completing fact discovery until the end of September, 2015; and

WHEREAS, extending the time for completing fact discovery would necessarily impact the remaining dates in the litigation schedule; modify the schedule set forth in the Order as follows:

Event	Current Deadlines	Proposed Amended Deadlines
Complete Fact Discovery	May 15, 2015	September 30, 2015
Plaintiffs Disclose Expert(s) / Produce Report(s)	June 12, 2015	October 28, 2015
Defendant Discloses Expert(s) / Produces Report(s) / Defendant Deposits Plaintiffs' Expert(s)	July 10, 2015	November 25, 2015
Plaintiffs Depose Defendant's Expert(s) / Plaintiffs Disclose Rebuttal Expert(s) and/or Rebuttal Expert Report(s)	Aug. 7, 2015	December 23, 2015
Defendant's Depose Plaintiffs' Rebuttal Expert(s)	Aug. 28, 2015	January 13, 2016
Expert Discovery Closes	Sept. 4, 2015	January 20, 2016
Plaintiffs' Motion for Class Certification	Sept. 11, 2015	January 27, 2016
Defendant's Opposition to Plaintiffs' Motion for Class Certification	Oct. 9, 2015	February 24, 2016
Plaintiffs' Reply in Further Support of Their Motion for Class Certification	Nov. 6, 2015	March 23, 2016
Oral Argument on Plaintiffs' Motion for Class Certification	Nov. 23, 2015	April 8, 2016

All Other Motions (Including Summary Judgment)	Dec. 7, 2015	April 22, 2016
Opposition to Summary Judgment Motions	Jan. 15, 2016	June 1, 2016
Reply to Summary Judgment Oppositions	Feb. 5, 2016	June 22, 2016
Oral Argument on Motion(s) for Summary Judgment	Feb. 22, 2016	July 9, 2016
Final Pretrial Conference	March 14, 2016	July 29, 2016

NOW THEREFORE, the Parties agree and stipulate to, and submit that good cause is shown to support, the following Second Modified Scheduling Order.

Accordingly, the Court HEREBY ORDERS that:

1. The parties' stipulation to modify the Pretrial Scheduling Order is GRANTED; and the Order is modified as follows:

- (i) On or before September 30, 2015, the parties shall complete fact discovery;
- (ii) On or before October 28, 2015, Plaintiffs shall disclose expert(s) and produce expert(s) report(s);
- (iii) On or before November 25, 2015, Defendant shall disclose expert(s), produce expert(s) report(s), and depose Plaintiffs' expert(s);
- (iv) On or before December 23, 2015, Plaintiffs shall depose Defendant's expert(s), Plaintiffs shall disclose rebuttal expert(s) and rebuttal expert(s) report(s);
- (v) On or before January 13, 2016, Defendant shall depose Plaintiffs' rebuttal expert(s);
- (vi) On or before January 20, 2016, expert discovery shall close (with all motions to compel heard and resulting orders obeyed on or before September 4, 2015);
- (vii) On or before January 27, 2016, Plaintiffs shall file their motion for class certification;
- (viii) On or before February 24, 2016, Defendant shall file its opposition to Plaintiff's motion for class certification;
- (ix) On or before March 23, 2016, Plaintiffs shall file their reply brief in further support of their motion for class certification;
- (x) On **April 4, 2016 at 2:00 p.m.**, the Court shall hear oral argument on Plaintiffs' motion for class certification;
- (xi) On or before April 22, 2016, all other motions, including summary judgment, shall be filed;

- 1 (xii) On or before June 1, 2016, oppositions to summary judgment motions shall be filed;
2 (xiii) On or before June 22, 2016, reply briefs in support of summary judgment motions
3 shall be filed;
4 (xiv) On **July 11, 2016 at 2:00 p.m.**, the Court shall hear oral argument on any motions for
5 summary judgment.
6 (xv) On **September 12, 2016 at 2:00 p.m.**, the parties shall appear for a final pre-trial
7 conference.
8 (xvi) On **November 15, 2016 at 9:00 a.m.**, the parties shall appear to commence the jury
9 trial.

9 By: /s/ Michael P. Esser

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 Dated: April 28, 2015

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4 WILLIAM B. SHUBB
5 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

The undersigned hereby certify that all counsel of record who have consented to electronic service are being served with a copy of the attached **Stipulation and [Proposed] Second Modified Scheduling Order** via the CM/ECF system on April 27, 2015.

DATED: April 27, 2015

/s/ Mark P. Kindall
Mark P. Kindall