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 11 *(erroneously sued as "BALL METAL BEVERAGE CONTAINER CORPORATION")*

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16 *Attorneys for Plaintiffs, ROBERT WESTFALL, DAVID E. ANDERSON, LYNN BOBBY, and*  
 17 *DAVID ELLINGER*

18 UNITED STATES DISTRICT COURT  
 19 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

20 ROBERT WESTFALL, individually and on  
 21 behalf of all others similarly situated,  
 22 Plaintiff,  
 23 v.  
 24 BALL METAL BEVERAGE CONTAINER  
 CORPORATION, a Colorado Corporation,  
 25 Does 1-20 inclusive,  
 26 Defendants.

Case No: 2:16-CV-02632-KJM-GGH

**JOINT SCHEDULING STIPULATION;  
 AND ORDER**

[Originally Solano Superior Court  
 Action No. FCS047654]  
 State Action Filed: 9-7-2016  
 FAC Filed: 4-6-2017  
 Trial Date: None Set

1 Plaintiffs ROBERT WESTFALL, DAVID E. ANDERSON, LYNN BOBBY, and  
2 DAVID ELLINGER (hereinafter, "Plaintiffs"), and Defendant BALL METAL BEVERAGE  
3 CONTAINER CORP. (hereinafter, "Defendant") (hereinafter, collectively, the "Parties"),  
4 hereby stipulate as follows:

5 WHEREAS, on February 17, 2017, the Court entered its Status (Pretrial Scheduling)  
6 Order: Class Certification Phase (Document No. 015) (hereinafter, the "Scheduling Order");

7 WHEREAS, the Scheduling Order provides for completion of all discovery not later  
8 than December 31, 2017, in addition expert discovery deadlines, with a close of expert  
9 discovery on March 31, 2017;

10 WHEREAS, the Scheduling Order provided for the filing of a motion for class  
11 certification not later than June 30, 2017, with a hearing on such motion to take place on  
12 September 8, 2017;

13 WHEREAS, based upon stipulations of the parties, the deadline for filing the class  
14 certification motion was continued to July 28, 2017, and the hearing was continued to October  
15 20, 2017;

16 WHEREAS, Plaintiffs' motion for class certification has been fully briefed by the  
17 Parties;

18 WHEREAS, on October 16, 2017, the Court issued a minute order (Document No. 49)  
19 taking the hearing off calendar and stating that Plaintiffs' motion for class certification will be  
20 decided on the papers;

21 WHEREAS, to date, the Court has not yet issued its order on the motion for class  
22 certification;

23 WHEREAS, additional discovery may need to be taken, but the scope and nature of  
24 such discovery will be substantially influenced by the terms of the Court's order on Plaintiffs'  
25 motion for class certification;

26 WHEREAS, the Parties do not wish to expend additional resources on discovery that  
27 may not be necessary depending on the terms of the Court's order on Plaintiffs' motion for  
28 class certification;

1 WHEREAS, if additional fact discovery is conducted after December 31, 2017, it will  
2 be difficult for the Parties to comply with the remaining deadlines in the Court's Scheduling  
3 Order;

4 WHEREAS, the Scheduling Order set a further status conference for January 4, 2018  
5 at 2:30 p.m. (with a joint report to be filed seven days prior), and the Parties stipulate that such  
6 conference and joint report deadline should remain on calendar so that discovery and other  
7 deadlines and dates can be set in light of the Court's order on Plaintiffs' motion for class  
8 certification;

9 NOW THEREFORE, it is so stipulated by the Parties that all future deadlines and dates  
10 set forth in the Scheduling Order should be VACATED, except for the setting of the  
11 aforementioned status conference and joint report deadline.

12 Dated: December 1, 2017

FISHER & PHILLIPS LLP

13 By: /s/ Christopher M. Ahearn

14 JOHN K. SKOUSEN

15 CHRISTOPHER M. AHEARN

16 KATHERINE P. SANDBERG

Attorneys for Defendant

BALL METAL BEVERAGE CONTAINER CORP.

17 Dated: December 1, 2017

EASON & TAMBORNINI, ALC

18 By: /s/ Matthew R. Eason (as authorized on 11-28-17)

19 MATTHEW R. EASON

20 ERIN M. SCHARG

Attorneys for Plaintiffs

21 ROBERT WESTFALL, DAVID E. ANDERSON,

22 LYNN BOBBY, and DAVID ELLINGER

23 **ORDER**

24 Pursuant to the foregoing stipulation, and good cause appearing therefor, the parties'  
25 proposal is approved except that the further status conference is set for January 18, 2018 at 2:30  
26 p.m. All other dates are vacated. IT IS SO ORDERED.

27 DATED: December 13, 2017.

28   
UNITED STATES DISTRICT JUDGE