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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19
 20 In re CALIFORNIA TITLE INSURANCE
 ANTITRUST LITIGATION

No. 08-cv-1341-JSW

CLASS ACTION

21
 22 THIS DOCUMENT RELATES TO:
 23 ALL ACTIONS

STIPULATION AND ~~PROPOSED~~
 ORDER REVISING CASE
 MANAGEMENT SCHEDULE

Honorable Jeffrey S. White

Pursuant to the parties' Joint Motion for Administrative relief,

1 Plaintiffs Lynn Bartron, Lisa Blackwell, Ruben Romero and Sarah Yahn, Lisa Gentilcore,
2 Susan Doolittle, Mark Moynahan, Emilse Magana, and Louis and Silvia Martinez (collectively
3 "Plaintiffs") and defendants First American Title Insurance Company, Old Republic National Title
4 Insurance Company, Fidelity National Title Insurance Company, Chicago Title Insurance Company
5 and Commonwealth Land Title Insurance Company (collectively "Defendants"), by their attorneys,
6 hereby stipulate as follows:

7 WHEREAS on September 3, 2010, the parties submitted a Joint Case Management Conference
8 Statement setting forth a proposed case management schedule for pretrial and trial proceedings;

9 WHEREAS in proposing the negotiated schedule, the parties anticipated that discovery would
10 operate on a single track and not be phased between class certification and the merits, and that their
11 disputes would be resolved and substantial discovery would take place well in advance of class
12 certification briefing;

13 WHEREAS the Court's Order Scheduling Trial and Pretrial Matters entered on October 12,
14 2010 ("Scheduling Order" (Dkt. No. 180)) adopted most of the dates proposed by the parties;

15 WHEREAS the parties have engaged in substantial meet-and-confer discussions and litigated a
16 motion to compel and a motion for a protective order with regard to Plaintiffs' initial set of discovery;

17 WHEREAS Magistrate Judge Chen granted Plaintiffs' motion to compel in substantial part and
18 denied it in part, granted Defendants' motion for protective order in part and denied it in substantial
19 part, directed the parties to continue their meet-and-confer discussions, ordered the phasing of
20 discovery with Phase I focusing on issues of causation and class certification and Phase II focusing on
21 full merits issues, and set February 11, 2011 as the deadline for Defendants to complete their
22 production in response to Plaintiffs' initial set of discovery;

23 WHEREAS Defendants recognize that, although they have produced documents to Plaintiffs
24 and have been working in good faith to collect, review and produce additional responsive documents as
25 expeditiously as possible, they are unable to meet the February 11, 2011 deadline for producing Phase I
26 documents pursuant to Judge Chen's order, due to, among other things, technological limitations in
27 extracting responsive documents and ESI (including from active systems which slows the extraction
28 process), the recent agreements of the parties and Judge Chen's orders concerning the scope of

1 production (which covers five years, 2003-2008), and the volume of information to be collected,
2 reviewed, and produced;

3 WHEREAS although Defendants will continue to make rolling productions of documents and
4 ESI on a regular basis, they will not be able to complete their productions until March 15, 2011,
5 approximately five weeks before Plaintiffs' motion for class certification is due on April 22, 2011;

6 WHEREAS the parties recognize that such delay would prejudice Plaintiffs' ability to review
7 and analyze the materials, serve follow-up discovery requests (if needed), take follow-on Phase I
8 focused depositions, prepare expert reports and expert testimony, as needed, and prepare Plaintiffs'
9 motion for class certification;

10 WHEREAS under the current Scheduling Order, fact discovery for Phase II (merits issues) is
11 scheduled for completion approximately two months after the hearing on Plaintiffs' motion for class
12 certification;

13 WHEREAS if the parties had anticipated that discovery would be phased, they would have
14 proposed additional time for Phase II discovery after the class certification hearing;

15 WHEREAS under these circumstances, the parties believe they are likely to be prejudiced by
16 the current schedule including the upcoming class certification deadlines and fact discovery cut-off,
17 and submit that very good cause exists to request a modest extension;

18 WHEREAS the parties believe the proposed schedule outlined below will result in a more
19 orderly and efficient litigation of the case, while only modestly changing the currently scheduled dates;
20 and

21 WHEREAS this is the first request by the parties to modify the Scheduling Order;

22 THEREFORE, the parties hereby stipulate, subject to the Court's approval, that the Scheduling
23 Order be modified as follows:

Event	Current Date	Proposed Date
Defendants to complete rolling production of documents and ESI in response to Plaintiffs' initial set of discovery requests	February 11, 2011	March 15, 2011
Last day for moving party to file and serve a motion for or to deny class	April 22, 2011	June 10, 2011

Event	Current Date	Proposed Date
certification. To the extent any moving party intends to rely upon class certification-related expert reports, the report of such expert(s) shall be included with that party's moving papers.		
Deposition(s) of moving party(ies) class certification-related witness(es)	June 3, 2011	July 22, 2011
Last day to file opposition papers to motion(s) for or to deny class certification, along with supporting evidence, including identification of class certification-related expert and expert reports.	June 24, 2011	August 12, 2011
Deposition(s) of expert witness(es) of party(ies) filing opposition to motion(s) for or to deny class certification.	August 5, 2011	September 23, 2011
Last day to file reply papers, if any, in support of motion(s) for or to deny class certification.	August 26, 2011	October 14, 2011
Hearing on motion(s) for or to deny class certification.	September 16, 2011	November 4, 2011
Fact Discovery Cut-Off	December 20, 2011	April 3, 2012
Plaintiffs' merits expert report(s) and disclosures due pursuant to Rule 26(a)(2)	January 27, 2012	May 11, 2012
Defendants' merits expert report(s) and disclosures due pursuant to Rule 26(a)(2)	March 9, 2012	June 22, 2012
Expert Discovery Cut-Off	April 13, 2012	July 27, 2012
Last day to file dispositive motions	May 25, 2012	September 7, 2012
Last day to file oppositions to dispositive motions	June 29, 2012	October 12, 2012
Last day to file reply(ies) in support of	July 20, 2012	November 2, 2012

Event	Current Date	Proposed Date
dispositive motions		
Hearing on dispositive motions	August 10, 2012	November 30, 2012
Pretrial conference	October 8, 2012	January 28, 2013
Trial	October 29, 2012	February 19, 2013

DATED: February 1, 2011

Respectfully submitted,

By /s/ Aaron M. Sheanin

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27 By /s/ Bryan M. Sullivan

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Attorneys for Defendant Old Republic National Title Insurance Company

1 In accordance with General Order 45 of the United States District Court for the Northern
2 District of California, I attest that concurrence in the filing of this document has been obtained from the
3 undersigned counsel.

4 By /s/ Aaron M. Sheanin

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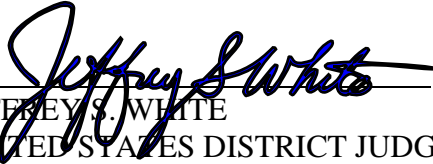
~~[PROPOSED]~~ ORDER

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shown
For very good cause ~~show~~, the Court adopts the case management schedule identified in the stipulation above. It is so **ORDERED.**

February 3, 2011

It is **FURTHER ORDERED** that the parties should, in the future, submit either a stipulation and proposed order **or** a Joint Administrative Motion and proposed order. If the Court finds that a request to modify deadlines it has imposed is not supported by good cause, it will deny the request whether it be by stipulation or by motion.



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Aaron M. Sheanin, hereby certify that on February 1, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of California, using the electronic case files system of the court. The electronic case files system sent a "Notice of Electronic Filing" to all counsel of record.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on February 1, 2011.

By /s/ Aaron M. Sheanin