Because of circumstances associated with the Declaration and workpapers of the expert on whom Plaintiffs are relying to support their motion for class certification, the parties submit this joint stipulation asking the Court to modify the existing deadline for service of Defendants' expert report and opposition brief and the deadline for Plaintiffs' reply brief. This is the first request for an extension to the class certification schedule sought at Defendants' behest, and the modification of these two dates will not affect the January 17, 2014 date set in the Court's September 9, 2013 Order for the hearing on class certification. The circumstances include the following:

- 1) Pursuant to the Court's schedule, Plaintiffs filed a Motion for Class Certification on October 28, 2013, together with a supporting declaration of their expert, Dr. John M. Connor. In his Declaration, Dr. Connor set forth opinions that, *inter alia*, purport to demonstrate that the economic impact and damages caused by the alleged conduct can be established with common proof. Plaintiffs cite and rely upon Dr. Connor's Declaration in their Motion.
- 2) Shortly after receiving Dr. Connor's report, Defendants requested that Plaintiffs produce his complete back-up materials and workpapers necessary to replicate his analyses. Plaintiffs agreed to produce these materials, but, in part because of the sickness and recent death of Dr. Connor's brother, Plaintiffs required more time than was initially expected. Plaintiffs produced Dr. Connor's work papers in rolling productions on October 28th, 31st, and November 4th, 6th and 13th. Defendants' expert(s) required complete back-up materials and work papers in order to replicate and test Dr. Connor's calculations, and they could not complete that work until all of the workpapers were produced.
- 3) In the process of providing these back-up materials, Plaintiffs also provided Defendants with two revised versions of Dr. Connor's Declaration, the second of which was served on November 13, 2013.

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- 4) Defendants deposed Dr. Connor on November 14, 2013. During that deposition, Dr. Connor identified additional matters that needed correction. Plaintiffs have agreed to serve a third revised Declaration on or before 5:00 p.m., PST on November 19, 2013.
- 5) Although the parties differ about the significance of the delayed productions and changes in the revised Declarations, they agree that Defendants should have additional time in which to prepare Defendants' expert report(s) and their Response to Plaintiffs' Motion for Class Certification.
- 6) To avoid motion practice, the parties jointly stipulate and request that the class certification deadlines be modified to permit the filing of Defendants' Response to Class Certification and service of any expert report(s) on December 6, 2013, and the filing of Plaintiffs' Reply to Defendants' Response on December 20, 2013.
- 7) The parties further stipulate that Plaintiffs be permitted to file any motion to strike Defendants' expert report(s) 28 days prior to the January 17, 2014, hearing date, or by December 20, 2013, instead of the 35 days prior required by local rule.
- 8) These proposed deadlines are intended to not require any change to the class certification hearing currently scheduled for January 17, 2013.
- 9) The parties so stipulate, and respectfully request that the Court enter the order below, approving this stipulation.

Respectfully submitted:

DATED: November 19, 2013

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16	I, Paula L. Blizzard, attest that concurrence in the filing of this document has been obtained from
17	each of the other signatories.
18	
19	PURSUANT TO STIPULATION, IT IS SO ORDERED:
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21	Dated the 22nd day of November, 2013
22	Wild Seeling
23	The Honorable Jeffrey S. White
24	Richard Seeborg
25	United States District Judge
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20	JOINT STIPULATION TO EXTEND TWO DEADLINES

CASE NO. 3:11-CV-04766-JSW

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IN THE CASE MANAGEMENT ORDER