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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MATTHEW EDWARDS, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

NATIONAL MILK PRODUCERS
FEDERATION, aka COOPERATIVES
WORKING TOGETHER; DAIRY FARMERS
OF AMERICA, INC.; LAND O'LAKES, INC.;
DAIRYLEA COOPERATIVE INC.; and AGRI-
MARK, INC.,

Defendants.

Case No. 3:11-CV-04766-JSW (NJV)

[consolidated with 11-CV-04791-JSW
and 11-CV-05253-JSW]

CLASS ACTION

**JOINT STIPULATION TO EXTEND
TWO DEADLINES IN THE CASE
MANAGEMENT ORDER
AND AMENDED ORDER**

Before: Hon. Jeffrey S. White

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

8
9 1) Pursuant to the Court's schedule, Plaintiffs filed a Motion for Class Certification on
10 October 28, 2013, together with a supporting declaration of their expert, Dr. John M. Connor. In his
11 Declaration, Dr. Connor set forth opinions that, *inter alia*, purport to demonstrate that the economic
12 impact and damages caused by the alleged conduct can be established with common proof. Plaintiffs
13 cite and rely upon Dr. Connor's Declaration in their Motion.

14
15 2) Shortly after receiving Dr. Connor's report, Defendants requested that Plaintiffs
16 produce his complete back-up materials and workpapers necessary to replicate his analyses.
17 Plaintiffs agreed to produce these materials, but, in part because of the sickness and recent death of
18 Dr. Connor's brother, Plaintiffs required more time than was initially expected. Plaintiffs produced
19 Dr. Connor's work papers in rolling productions on October 28th, 31st, and November 4th, 6th and
20 13th. Defendants' expert(s) required complete back-up materials and work papers in order to
21 replicate and test Dr. Connor's calculations, and they could not complete that work until all of the
22 workpapers were produced.

23
24 3) In the process of providing these back-up materials, Plaintiffs also provided
25 Defendants with two revised versions of Dr. Connor's Declaration, the second of which was served
26 on November 13, 2013.

1 4) Defendants deposed Dr. Connor on November 14, 2013. During that deposition, Dr.
2 Connor identified additional matters that needed correction. Plaintiffs have agreed to serve a third
3 revised Declaration on or before 5:00 p.m., PST on November 19, 2013.

4 5) Although the parties differ about the significance of the delayed productions and
5 changes in the revised Declarations, they agree that Defendants should have additional time in which
6 to prepare Defendants' expert report(s) and their Response to Plaintiffs' Motion for Class
7 Certification.

8 6) To avoid motion practice, the parties jointly stipulate and request that the class
9 certification deadlines be modified to permit the filing of Defendants' Response to Class
10 Certification and service of any expert report(s) on December 6, 2013, and the filing of Plaintiffs'
11 Reply to Defendants' Response on December 20, 2013.

12 7) The parties further stipulate that Plaintiffs be permitted to file any motion to strike
13 Defendants' expert report(s) 28 days prior to the January 17, 2014, hearing date, or by December 20,
14 2013, instead of the 35 days prior required by local rule.

15 8) These proposed deadlines are intended to not require any change to the class
16 certification hearing currently scheduled for January 17, 2013.

17 9) The parties so stipulate, and respectfully request that the Court enter the order below,
18 approving this stipulation.

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21 Respectfully submitted:

22
23 DATED: November 19, 2013

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Pursuant to the stipulation, the Court authorizes the extensions for the filing of the opposition and reply briefs. However, the Court DENIES without prejudice the request to file motions to strike expert reports 28 days before the hearing date. The Court requires all motions to be completely briefed at least 14 days ~~PURSUANT TO STIPULATION, IT IS SO ORDERED:~~ before a hearing date. The parties may submit a revised stipulation providing a proposed briefing schedule in accordance with this requirement.

Dated the 25 day of November, 2013


The Honorable Jeffrey S. White