

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALEX SOTO and VINCE EAGEN, on behalf of  
themselves and all others similarly situated,

No. C 12-1377 SI

**ORDER RE: DISCOVERY**

Plaintiffs,

v.

AMERICAN HONDA MOTOR CO., INC.,

Defendant.

The parties have filed separate letter briefs regarding a dispute related to defendant’s production of electronically stored information (“ESI”).<sup>1</sup> Plaintiffs state that they need a timetable for production that will enable plaintiffs to review the material and do any necessary follow-up before filing the motion for class certification. The class certification motion is currently scheduled to be filed on April 8, 2013, and plaintiffs request an extension of time for that filing until May 13, 2013. Plaintiffs note that defendant has produced a significant amount of information already, and that defendant has largely agreed to provide all of the documents and materials that plaintiffs have requested.

Defendant responds that it has not provided a timetable to plaintiffs because defendant is still processing the ESI, and defendant does “not believe it wise to commit to timeframes without knowing the precise universe of data that requires review and production.” Docket No. 63 at 1. Defendant notes that during the months of January and February of this year, the parties were engaged in settlement negotiations, and that during these discussions, defendant advised plaintiffs that it was deferring

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<sup>1</sup> The Court’s Standing Order directs parties to file joint statements regarding discovery disputes. The parties shall comply with Paragraph 2 of the Standing Order with regard to any future discovery disputes.


1 incurring the significant costs associated with ESI production in the event that a settlement could be  
2 reached. Defendant states that it immediately undertook to process the ESI data once settlement talks  
3 broke down at the end of February. Defendant states that the ESI data is still being processed, and that  
4 on March 14, 2013, defendant provided plaintiffs with a preliminary “hit report” illustrating the number  
5 of documents being returned against the search terms, and several errors in the search term logic that  
6 required correction. Defendant requests that it be granted until March 20, 2013, to “complete the current  
7 processing of its ESI data, preliminarily review same, and provide Plaintiffs with a good faith proposal  
8 for document production milestones and the completion of production in advance of the class  
9 certification motion.” *Id* at 2. Defendant also proposes that no later than March 26, 2013, the parties  
10 meet and confer and jointly submit a letter to the Court seeking an extension of the class certification  
11 deadlines, likely to be no more than 45 to 60 days.

12 In light of the volume of discovery and the parties’ recent settlement discussions, the Court finds  
13 that defendant’s proposal is reasonable and hereby adopts it. Accordingly, by March 20, 2013,  
14 defendants shall complete the current processing and preliminary review of its ESI data, and provide  
15 plaintiffs with a proposed production timetable. No later than March 26, 2013, the parties shall meet  
16 and confer and file a stipulation and proposed order setting forth a new schedule for the class  
17 certification motion.

18 This order resolves Docket No. 62.

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20 **IT IS SO ORDERED.**

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22 Dated: March 19, 2013

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25 SUSAN ILLSTON  
26 United States District Judge  
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