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6 *Attorneys for Plaintiff and the Class*

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 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11  
 12 JAMES COLLINS, Individually and on  
 Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 THE GILLETTE COMPANY and THE  
 PROCTER & GAMBLE COMPANY,

16 Defendants.

Case No. CV-12-1778-EDL

**STIPULATION AND ~~PROPOSED~~  
 ORDER MODIFYING SCHEDULE  
 FOR EXPERT DISCOVERY AND  
 CLASS CERTIFICATION  
 AS MODIFIED  
 Civ. L.R. 6-2, 7-12**

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 18 1. Plaintiff commenced this putative class action against defendants The  
 19 Gillette Company and The Proctor and Gamble Company (collectively "Defendants") on  
 20 April 10, 2012. Plaintiff alleges that Defendants violated California Business and  
 21 Professions Code §§ 17200 *et seq.* and California Civil Code §§ 1750 *et seq.* with regard  
 22 to product claims concerning Duracell Ultra Advanced and Duracell Ultra Power  
 23 batteries. Defendants deny Plaintiff's claims have any merit.

24 2. On August 8, 2012, the Court issued its Case Management and Pretrial  
 25 Order, setting, *inter alia*, deadlines for the exchange of expert reports and the  
 26 completion of expert discovery regarding class certification and deadlines to file and  
 27 brief the class certification motion. (Docket No. 25.)

1           3.       The parties met and conferred pursuant to Rule 26(f) on July 9, 2012, and  
2 discovery commenced promptly thereafter. On July 12, 2012, Defendants served  
3 document requests and interrogatories on Plaintiff, and on July 20, 2012, Plaintiff  
4 served document requests and interrogatories on Defendants. On August 1, 2012, the  
5 parties exchanged initial disclosures, and on August 8, 2012, the Court issued its Case  
6 Management and Pretrial Order (“Case Management Order”). By stipulation among the  
7 parties, Plaintiff served responses and objections to Defendants’ document requests and  
8 interrogatories on September 6, 2012, followed by supplemental responses and  
9 objections on October 22, 2012, and Defendants served responses and objections to  
10 Plaintiff’s document requests and interrogatories on September 13, 2012. The parties  
11 also stipulated to a Protective Order governing the handling of confidential documents  
12 and their disclosure to expert witnesses, which was entered by the Court on September  
13 13, 2012. (Docket No. 30.)

14           4.       The Case Management Order requires Plaintiff to file his expert report(s)  
15 for class certification by November 15, 2012, Defendants to file their expert report(s) for  
16 class certification by December 14, 2012, and Plaintiff to file his rebuttal expert report(s)  
17 for class certification by January 15, 2013. All expert discovery for class certification  
18 must be completed by February 1, 2013. Plaintiff must also file his class certification  
19 motion by February 19, 2013, and the class certification hearing is set for April 23, 2013.

20           5.       In light of ongoing discovery and depositions being conducted by the  
21 parties in the case and after having met and conferred, the parties agree to extend these  
22 expert discovery and class certification deadlines.

23           6.       The parties agree to the following schedule for expert discovery related to  
24 Plaintiff’s motion for Class Certification:

- 25                   ■ Plaintiff’s Expert Disclosures/Report(s): December 31, 2012
- 26                   ■ Defendant’s Expert Disclosures/Report(s): February 4, 2013
- 27                   ■ Plaintiff’s Rebuttal Expert Report(s): February 18, 2013



JONES DAY

BY: /s/

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THE GILLETTE COMPANY and THE  
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~~PROPOSED~~ ORDER

The Court, having considered the above stipulation of the parties, and good cause appearing therefore, HEREBY ORDERS THAT:

1. The schedule for expert discovery relating to class certification and Plaintiff's motion for Class Certification set in this Court's August 8, 2012 Case Management and Pretrial Order is modified as follows:

- Plaintiff's Expert Disclosures/Report(s): December 31, 2012
- Defendant's Expert Disclosures/Report(s): February 4, 2013
- Plaintiff's Rebuttal Expert Report(s): February 18, 2013
- Close of Expert Discovery for Class Certification: March 1, 2013
- Plaintiff shall file Class Certification motion by March 5, 2013
- Defendants shall file opposition to class certification by April 5, 2013
- Plaintiff shall file reply to defendant's opposition by April 19, 2013
- Court hearing on Plaintiff's motion for class certification: May <sup>14</sup> 7, 2013

2. All other deadlines in this Court's Case Management Order shall remain unchanged.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 9, 2012

MON. ELIZABETH D. LAPORTE  
UNITED STATES MAGISTRATE JUDGE

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