

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BARBARA BRONSON, et al.,  
Plaintiffs,

v.

JOHNSON & JOHNSON INC., et al.,  
Defendants.

Case No. [12-cv-04184-CRB](#) (JCS)

**ORDER RE CLASS CERTIFICATION  
BRIEFING AND MEDIATION**

Re: Dkt. No. 88

The parties appeared before the Court for a Case Management Conference on October 10, 2014 at 9:30 a.m. The parties prepared and filed a Joint Case Management Statement in advance of the hearing, Dkt. No. 88 (“Statement”), in which they raised three issues for decision by the Court: (1) class certification scheduling; (2) discovery cost-shifting; and (3) ADR. Good cause appearing, and for the reasons stated on the record, the Court rules as follows.

**1. Class Certification Scheduling**

The Court orders the following schedule for class certification briefing:

<b>Event</b>	<b>Date</b>
Class Certification Discovery cut-off	December 15, 2014
Plaintiffs’ Disclosure of Class Certification Experts (and corresponding Reports)	January 26, 2015
Defendants’ Disclosure of Class Certification Experts (and corresponding Reports)	March 26, 2015
Deposition of Plaintiff’s Class Certification Experts	To be determined by the parties (between January 27 and March 25, 2015)
Deposition of Defendant’s Class Certification Experts	To be determined by the parties (between March 27 and May 25, 2015)
Disclosure of Rebuttal Class Certification Experts (and corresponding Reports)	March 26, 2015
Plaintiffs’ Motion for Class Certification	January 26, 2015
Defendants’ Opposition to Motion for Class Certification	March 26, 2015
Plaintiffs’ Class Certification Reply:	May 26, 2015
Hearing on Motion for Class Certification:	To be set by Judge Breyer

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**2. Discovery Cost-shifting**

Defendant “requests an order that, from this point forward, all costs that McNeil incurs in responding to Plaintiffs’ discovery be shared 50/50 by McNeil and Plaintiffs.” Statement at 8. Defendant argues that “Rule 26(b)(2)(C) authorizes cost-shifting whenever it is disproportionate, whether or not ESI is at issue, and whether or not the information is ‘inaccessible.’” *Id.* at 9 (citation omitted).

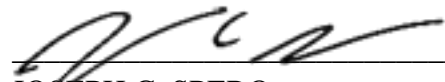
For the reasons stated on the record, Defendant’s request is DENIED WITHOUT PREJUDICE.

**3. ADR**

The parties state that they “are willing to participate in the Court’s Mediation Program under Local Rule 6.” Statement at 13. Accordingly, and for the reasons stated on the record, the parties are ordered to mediation under the Court’s Mediation Program no later than December 9, 2014.

**IT IS SO ORDERED.**

Dated: October 17, 2014.

  
\_\_\_\_\_  
JOSEPH C. SPERO  
United States Magistrate Judge