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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARC OPPERMAN, et al.,
Plaintiffs,
v.
PATH, INC., et al.,
Defendants.

Case No. 13-cv-00453-JST
CASE MANAGEMENT ORDER

The Court has reviewed the Joint Case Management Statement (“JCMS”) filed on December 8, 2015, in which the parties describe various disputes among them and ask the Court to resolve, or at least address, those disputes at the motion hearing scheduled for December 10, 2015.

There are motions in four other cases set for hearing tomorrow, so the Court cannot accommodate the parties’ request for a full discussion of these recently-identified disputes¹ at that time. The Court will, however, hear argument regarding the discovery disputes set forth in the parties’ July 17, 2015 Joint Case Management Statement, ECF No. 562 at 4-8,² so that those disputes can be resolved.

Argument concerning the discovery disputes will take no more than 20 minutes. Plaintiffs have 10 minutes (although they may not need that long). The various App Defendants may also have 10 minutes collectively and will inform the Court tomorrow how that time will be divided.

The Court also now sets a further Case Management Conference on Tuesday, January 5, 2016 at 9:30 a.m. The parties are ordered to meet and confer, and submit competing proposed scheduling orders, concerning whether to allow the filing of summary judgment motions before

¹ The parties filed their JCMS at 4:49 p.m. yesterday.
² The pages refer to the pagination in the Court’s Electronic Case Filing system.

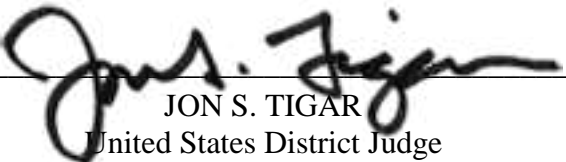
1 class certification and whether to allow the filing of multiple class certification motions on
2 different dates. (Presently, the Court's answer to both questions is in the negative, but the Court
3 retains an open mind.) The same filing should also identify all outstanding discovery disputes in
4 sufficient detail that the Court can resolve all or most of them on January 5, 2016 or, in the
5 alternative, determine whether to refer the disputes to a Magistrate Judge. If any party's proposals
6 require adjustment of the existing case schedule, such adjustments must be clearly set forth and the
7 reasons for them explained. The parties can identify further appropriate topics for this filing at
8 tomorrow's hearing and propose a filing date.

9 It is evident from the JCMS that this case requires more active case management.
10 Accordingly, the Court will set additional future case management conferences at the January 5,
11 2016 conference. The selection of particular dates will depend on the resolution of the parties'
12 larger disputes about the scheduling of class certification and summary judgment briefing.

13 For the sake of the efficient use of courtroom time, the Court strongly encourages the App
14 Defendants to select a presumptive spokesperson who will speak for them at all future hearings on
15 case-wide matters, and to identify that person on December 10, 2015. (As the JCMS makes clear,
16 Apple is in a somewhat different position from the other defendants, and as to it the Court's
17 suggestion is more tentative.)

18 IT IS SO ORDERED.

19 Dated: December 9, 2015

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21 JON S. TIGAR
22 United States District Judge
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