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E. I. DU PONT DE NEMOURS AND  
10 COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION  
14

15 LOS GATOS MERCANTILE, INC. d/b/a  
LOS GATOS ACE HARDWARE, FRED  
16 SWAIM, INC. d/b/a QUALITY AUTO  
PARTS, ACE HARDWARE OF SOUTH  
17 WALTON, INC., LEXINGTON HOME  
CENTER, LLC, R.F. COLE, INC. d/b/a  
18 BREWERS PAINT CENTER,  
CUSIMANO CARSTAR COLLISION,  
19 INC., and THE CARPETSHOPPE, INC.,  
on behalf of themselves and all others  
20 similarly situated,

21 Plaintiffs,

22 v.

23 E. I. DU PONT DE NEMOURS AND  
COMPANY, HUNTSMAN  
24 INTERNATIONAL LLC, KRONOS  
WORLDWIDE, INC., and MILLENNIUM  
25 INORGANIC CHEMICALS, INC.,

26 Defendants.  
27  
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Case No. 3:13-cv-01180-WHO

**STIPULATION AND ORDER TO SET  
BRIEFING SCHEDULE FOR  
DEFENDANTS' MOTION TO DISMISS,  
TO EXCEED PAGE LIMITS, AND TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE AND RELATED  
DEADLINES**

Judge: Honorable William H. Orrick

1 Pursuant to Civil Local Rules 6-1, 6-2, 7-11, and 7-12, this Stipulation and [Proposed]  
2 Order is entered into by and between Plaintiffs, Los Gatos Mercantile, Inc., d/b/a Los Gatos Ace  
3 Hardware; Fred Swaim, Inc. d/b/a Quality Auto Parts; Ace Hardware of South Walton, Inc.;  
4 Lexington Home Center, LLC; R.F. Cole, Inc. d/b/a Brewers Paint Center; Cusimano Carstar  
5 Collision; Inc.; The Carpet Shoppe, Inc.; Morgan Tanner; and William Aviles (collectively,  
6 “Plaintiffs”), and Defendants E. I. du Pont de Nemours and Co., Huntsman International LLC,  
7 Kronos Worldwide, Inc., and Millennium Inorganic Chemicals, Inc. (collectively, “Defendants”).

9 WHEREAS, Plaintiffs filed their original class action complaint in this action on March  
10 15, 2013, and filed their first amended class action complaint (“First Amended Complaint”) on  
11 November 4, 2013;

12 WHEREAS, Defendants’ answers or responses to the First Amended Complaint are  
13 currently due on December 19, 2013;

14 WHEREAS, the parties agree and stipulate to an extension until January 24, 2014, for  
15 Defendants to answer or otherwise respond to the First Amended Complaint;

16 WHEREAS, the parties agree and stipulate to a briefing schedule on a motion to dismiss  
17 filed by Defendants;

18 WHEREAS, continuing the Case Management Conference until after briefing on  
19 Defendants’ motion to dismiss is complete would promote judicial economy and efficiency and  
20 facilitate productive case management;

21 WHEREAS, the Case Management Conference and related deadlines have been  
22 rescheduled only once thus far, by agreement of the parties to permit Plaintiffs to file an amended  
23 complaint;

24 WHEREAS, the parties respectfully request that the Court continue the Case Management  
25 Conference and related deadlines until after the briefing on the motion to dismiss is complete;

1 WHEREAS, the parties further request that the Court expand the page limitations for the  
2 motion to dismiss briefing;

3 **IT IS HEREBY STIPULATED AND AGREED** that:

4 1. Defendants' answers or motion to dismiss will be due on or before January 24,  
5 2014.

6 2. Plaintiffs' opposition to Defendants' motion to dismiss will be due on or before  
7 March 7, 2014.

8 3. Defendants' reply in support of a motion to dismiss will be due on or before April  
9 4, 2014.

10 4. Defendants' motion to dismiss may include up to 60 pages.

11 5. Plaintiffs' opposition to Defendants' motion to dismiss may include up to 75  
12 pages.

13 6. Defendants' reply in support of a motion to dismiss may include up to 35 pages.

14 7. The last day for the parties to meet and confer regarding initial disclosures, early  
15 settlement, ADR process, and discovery plan; file ADR Certification signed by Parties and  
16 Counsel; and file either Stipulation to ADR Process or Notice of Need for ADR Phone  
17 Conference is continued from January 10, 2014, to April 16, 2014.

18 8. The last day for the parties to file the Rule 26(f) Report, complete their initial  
19 disclosures or objections thereto, and file the Case Management Statement is continued from  
20 January 24, 2014, to April 23, 2014.

21 9. The Case Management Conference shall be continued from January 28, 2014, to a  
22 suitable date following the completion of briefing on Defendants' motion to dismiss.

1 Dated: December 18, 2013

/s/ Beatrice B. Nguyen

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19 Counsel for Defendant  
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21 Dated: December 18, 2013

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Counsel for Defendant  
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1 Dated: December 18, 2013

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7 Counsel for Defendant  
8 KRONOS WORLDWIDE, INC.

9  
10 Dated: December 18, 2013

*/s/ James Cooper*

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21 CRISTAL USA INC., FORMERLY MILLENNIUM  
22 INORGANIC CHEMICALS, INC.

1 Dated: December 18, 2013

/s/ Jonathan W. Cuneo

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Interim Co-Lead Counsel for Plaintiffs

### ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: December 18, 2013 \_\_\_\_\_

/s/ Beatrice B. Nguyen

1 **ORDER**

2 **PURSUANT TO STIPULATION, IT IS SO ORDERED as modified below in bold.**

3 Accordingly:

4 (a) Defendants' answers or motion to dismiss will be due on or before January **22**, 2014;

5 (b) Plaintiffs' opposition to Defendants' motion to dismiss will be due on or before March  
6 **5**, 2014;

7 (c) Defendants' reply in support of a motion to dismiss will be due on or before April **2**,  
8 2014;

9 (d) Defendants' motion to dismiss and Plaintiffs' opposition to Defendants' motion to  
10 dismiss each may include up to **40** pages;

11 (e) Defendants' reply in support of a motion to dismiss may include up to **15** pages;

12 (f) Defendants' motion to dismiss will be heard on **April 23, 2014 at 2:00 p.m.**

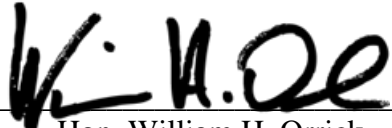
13 (g) The last day for the parties to meet and confer regarding initial disclosures, early  
14 settlement, ADR process, and discovery plan; file ADR Certification signed by Parties and  
15 Counsel; and file either Stipulation to ADR Process or Notice of Need for ADR Phone  
16 Conference is continued from January 10, 2014, to April **9**, 2014;

17 (h) The last day for the parties to file the Rule 26(f) Report, complete their initial  
18 disclosures or objections thereto, and file the Case Management Statement is continued from  
19 January 24, 2014, to April **16**, 2014; and  
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(i) The Case Management Conference shall be continued from January 28, 2014 to **April 23, 2014 at 2:00 p.m.**

Dated: December 19, 2013\_

  
Hon. William H. Orrick  
United States District Judge