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13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 MONITA SHARMA and ERIC
18 ANDERSON, on behalf of themselves
19 and all others similarly situated,

20 Plaintiffs,

21 v.

22 BMW OF NORTH AMERICA, LLC, a
23 Delaware Limited Liability Company,

24 Defendant.

Case No. 3:13-cv-02274-MMC (KAW)

25 **STIPULATED ADMINISTRATIVE**
26 **MOTION FOR LEAVE TO EXCEED**
27 **PAGE LIMIT FOR ATTACHMENTS**
28 **RELATED TO DISCOVERY LETTER**
BRIEFS; AND [~~PROPOSED~~] ORDER

Magistrate Judge Kandis A. Westmore

29 Pursuant to Northern District of California Civil Local Rules 7-11 and 7-12, Plaintiffs
30 Monita Sharma and Eric Anderson ("Plaintiffs") and Defendant BMW of North America, LLC
31 ("BMW NA" or "Defendant"), by and through their respective attorneys, hereby stipulate as
32 follows:

33 **STIPULATION**

34 WHEREAS, the parties previously filed three joint discovery letter briefs (Dkt. Nos. 110,
35 111 and 113), which were terminated after the parties "failed to propose a compromise in their
36 filings," (Order Terminating Discovery Letter Briefs (Dkt. No. 114));

1 WHEREAS, the parties have extensively met and conferred and exchanged final proposed
2 compromises pursuant to this Court's Order Terminating Discovery Letter Briefs, but were
3 unable to reach agreements, including on discovery disputes regarding: (1) BMW NA's further
4 responses and production of documents related to the design, manufacturing and testing for
5 putative class vehicles; and (2) the limited scope of BMW NA's discovery responses;

6 WHEREAS, the parties have included proposed compromises in the respective sections of
7 their discovery letter briefs pursuant to this Court's Order Terminating Discovery Letter Briefs;

8 WHEREAS, as with the parties' initial filings, two of the impending joint discovery letter
9 briefs involve disputes that relate to several interrogatories and requests for production of
10 documents and, for purposes of economy and judicial efficiency, the parties have structured their
11 letter briefs so that they separately address a single overarching issue as opposed to filing multiple
12 joint discovery letter briefs based on the same issue. For example, the parties' discovery dispute
13 regarding "design and manufacturing" documents and responses encompasses twenty-two
14 separate document requests and eleven interrogatory responses, and the parties' "discovery
15 scope" dispute encompasses twenty separate document requests and eleven interrogatory
16 responses;¹

17 WHEREAS, the Standing Order for Magistrate Judge Westmore was revised on
18 December 22, 2015, after the parties filed their initial joint discovery letter briefs, and now
19 requires that "[a]ny attachments shall not exceed 12 pages." (Standing Order for Magistrate
20 Judge Westmore ¶ 13); and

21 WHEREAS, the parties were able to present these overarching disputes in joint letters that
22 do not exceed five pages (as required by the Court's Standing Order), because the parties are
23 required to attach the propounded discovery and applicable responses as exhibits to the joint
24 discovery letters (*id.*) and two of their joint letters relate to a single issue that involves several
25 discovery requests, they are unable to fully comply with the page limitation for attachments.

26
27 ¹ The parties' joint discovery letter brief regarding BMW NA's document retention policies relates to a
28 single document request and was filed on February 29, 2016. (Dkt. No. 130.)

(See, e.g., Dkt. Nos. 111-1, 111-2, 111-4);

NOW, THEREFORE, undersigned counsel for the parties, having met and conferred and good cause appearing, hereby stipulate and agree to extend the page limit for attachments to two of their joint discovery letter briefs as follows:

1. Joint Discovery Letter Re: Manufacturing Documents and Responses: Exhibit C (33 pages); Exhibit D (16 pages); and Exhibit F (26 pages); and
2. Joint Discovery Letter Re: Limited Scope of Discovery Responses: Exhibit A (29 pages); Exhibit B (19 pages); and Exhibit D (16 pages).

IT IS HEREBY STIPULATED.

Dated: March 1, 2016.

KERSHAW, CUTTER, & RATINOFF, LLP

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Dated: March 1, 2016.

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Civil L.R. 5-1(i) Certification


The filing attorney hereby certifies that concurrence in the filing of the document has been obtained from each of the other signatories, in full accordance with Civil Local Rule 5-1(i).

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/7/16



Honorable Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF CALIFORNIA