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11 Attorneys for Defendant Ford Motor Company

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 In re:  
15 MYFORD TOUCH CONSUMER LITIGATION

Case No. CV 13-3072-EMC

**JOINT STIPULATION AND**  
~~**[PROPOSED]**~~ **ORDER TO EXTEND**  
**TRIAL DATE AND RELATED**  
**PRETRIAL DEADLINES (Denied)**

18 Pursuant to Local Rules 6-1(b) and 6-2, Defendant Ford Motor Company and Plaintiffs  
19 stipulate to extend the trial date and related pretrial deadlines in this matter for the reasons  
20 explained below, and they jointly request that the Court approve this stipulation and re-set the  
21 dates accordingly. In support of this Stipulation, the Parties state as follows:

22 WHEREAS, on September 18, 2017, the Court entered a Case Management and Pretrial  
23 Order for Jury Trial setting an estimated four-week trial to begin on May 11, 2018, with other  
24 pretrial deadlines in March and April 2018 (Dkt. No. 337);

25 WHEREAS, on January 30, 2018, the parties submitted a Joint Case Management  
26 Conference Statement and Trial Plan Preview (Dkt. No. 371);

27 WHEREAS, on February 7, 2018, the Court held a Case Management Conference in  
28 conjunction with the argument on the motion for summary judgment. At that conference, the

JOINT STIP. AND [PROPOSED] ORDER TO  
EXTEND TRIAL DATES  
NO. CV 13-3072-EMC

1 Court directed Plaintiffs to submit a more specific trial plan by February 20, 2018, Defendant to  
2 respond by March 1, 2018, and the Parties together to submit an updated joint status report by  
3 March 8, 2018 (Dkt. No. 379);

4 WHEREAS, the Court set a status conference for March 15, 2018 (Dkt. No. 379);

5 WHEREAS, at the Case Management Conference, the Court and Parties discussed some  
6 pre-trial issues, including disputes about the scope and structure of the class trial. At the  
7 conference, the Court and Parties also discussed dates of unavailability of lead counsel for both  
8 Parties if the trial date were to move. Specifically, it was discussed that due to prior  
9 commitments out of the country, trial counsel were unavailable from mid-June through late July;

10 WHEREAS, the Parties have continued to meet and confer regarding a potential trial plan  
11 and other pretrial deadlines, but given the size and complexity of the overall case, and the number  
12 and type of remaining certified classes, claims, and issues, they continue to disagree about an  
13 appropriate trial structure;

14 WHEREAS, to promote efficient litigation, conserve resources, and have a fair  
15 opportunity to adequately prepare this case for trial, the Parties agree that it is important to  
16 receive direction from the Court about the trial structure before the Parties must file certain  
17 pretrial motions or documents and exchange witness and exhibit lists, since those documents may  
18 change based on the Court's decisions on the trial structure;

19 WHEREAS, Ford intends to file a pre-trial decertification motion targeting three of the  
20 remaining certified claims, which Plaintiffs expect to oppose;

21 WHEREAS, the Parties would like time to prepare revisions to potential pretrial motions  
22 and other documents after the Court provides direction about the appropriate trial structure and  
23 the decertification motion;

24 WHEREAS, the Parties have agreed that it would be more efficient and equitable to have  
25 a modest extension of the trial date until August 3, 2018 to facilitate this careful preparation and  
26 accommodate counsels' pre-existing unavailability, and they will be prepared to discuss the trial  
27 schedule at the March 15 status conference.

28 NOW, THEREFORE, the Parties hereby stipulate and agree, subject to Court approval,

1 that the trial and pretrial deadlines are extended as follows:

<b>Event</b>	<b>Current Date</b>	<b>Proposed New Date</b>
Last day for parties to Meet-and-Confer regarding pretrial deadlines	March 13, 2018	May 4, 2018
Exchange of Motions <i>in Limine</i>	March 23, 2018	May 24, 2018
Exchange of Oppositions to Motions <i>in Limine</i>	March 30, 2018	May 31, 2018
Joint Pretrial Conference Statement; Pretrial Statement to Jury, Jury Instructions, Verdict Form, Marked Exhibits, Trial Brief, and Trial Plan	April 3, 2018	June 7, 2018
Final Pretrial Conference	April 24, 2018	June 28, 2018
Trial Begins	May 11, 2018 (A 4-week trial would end June 8, 2018)	August 3, 2018 (A 4-week trial would end August 31, 2018)

11 IT IS SO STIPULATED.

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Dated: February 23, 2018

O'MELVENY & MYERS LLP

By: /s/ Randall W. Edwards  
Randall W. Edwards  
Attorneys for Defendant  
FORD MOTOR COMPANY

Dated: February 23, 2018

By: /s/ Steve W. Berman (with consent)  
Steve W. Berman

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1 **ATTESTATION OF FILING**

2 Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, Randall W. Edwards, hereby  
3 attest that concurrence in the filing of this Stipulation and Joint Request to Extend Trial Date and  
4 Related Pretrial Deadlines has been obtained from Steve Berman with conformed signatures  
5 above.

6 Dated: February 23, 2018

7 By: /s/ Randall W. Edwards  
Randall W. Edwards

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13 **ORDER**

14 ~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~ Status conference is  
15 advanced from 3/15/18 to Friday 3/9/18 at 10:00 a.m. A updated joint  
16 Status report shall be filed by 3/2/18.

17 DATED: February 27 , 2018

18 \_\_\_\_\_  
The Honorable Edward M. Chen  
United States District Judge

