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 FORD MOTOR COMPANY

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14

15 In re:  
 16 MYFORD TOUCH CONSUMER LITIGATION  
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Case No. CV 13-3072-EMC

**JOINT STIPULATION AND  
 [PROPOSED] ORDER TO EXTEND  
 TIME FOR PARTIES TO COMPLY  
 WITH ORDER GRANTING IN PART  
 AND DENYING IN PART PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO FILE  
 UNDER SEAL**

21 Pursuant to Local Rules 6-1(b) and 6-2, Defendant Ford Motor Company and Plaintiffs  
 22 stipulate to extend the time for Plaintiffs to comply with the Court's March 2, 2018 order granting  
 23 in part and denying in part Plaintiffs' administrative motion to seal for the reasons explained  
 24 below, and they jointly request that the Court approve this stipulation and re-set the current  
 25 deadline accordingly. In support of this Stipulation, the Parties state as follows:

26 WHEREAS, on February 20, 2018, Plaintiffs submitted their Trial Plan (Dkt. No. 385),  
 27 which was accompanied by Plaintiffs' Administrative Motion to File Under Seal (Dkt. No. 384)  
 28 seeking to file under seal certain information and exhibits attached thereto that had previously

JOINT STIP. AND PROPOSED  
 ORDER TO EXTEND TIME  
 NO. CV 13-3072-EMC

1 been designated as Confidential by Ford pursuant to the protective order entered in this case;

2 WHEREAS, on February 26, 2018, Ford filed the Declaration of Christopher Eikey in  
3 support of Plaintiffs' Administrative Motion to File Under Seal (Dkt. No. 387), setting forth the  
4 bases for sealing such materials consistent with Ford's prior administrative motions to file under  
5 seal the same materials in connection with class certification briefing;

6 WHEREAS, Ford understood and believed at the time it submitted the Eikey Declaration  
7 that the parties' trial plan submissions were intended to be procedural in nature, and not  
8 dispositive, because the subject of the submissions was potential bifurcation and other trial  
9 structuring issues rather than substantive; Ford therefore had believed that the submissions were  
10 not so related to the merits so as to require that Ford meet the higher standard of demonstrating a  
11 compelling reason to file the documents under seal beyond the lesser standard applicable to the  
12 information that Ford originally presented when the same materials had been previously sealed by  
13 the Court;

14 WHEREAS, on March 2, 2018, the Court entered an order granting in part and denying in  
15 part Plaintiffs' Administrative Motion to File Under Seal (the "Order") (Dkt. No. 400);

16 WHEREAS, the Order requires that Plaintiffs shall re-file their pretrial memorandum and  
17 attached exhibits consistent with the Order by March 15, 2018;

18 WHEREAS, on March 12, 2018, the parties met and conferred regarding narrowed  
19 redactions and the re-filing of certain exhibits in the public record, as required by the Order;

20 WHEREAS, Ford understands the Court has ruled that the parties' trial plans are more  
21 than tangentially related to the merits so as to require Ford to demonstrate a compelling reason  
22 and articulate a more detailed factual basis for sealing such materials, and Ford acknowledges that  
23 many of the documents Plaintiffs sought to seal do not meet that standard;

24 WHEREAS, Ford requests additional time to allow for an adequate opportunity to  
25 determine whether it can meet the heightened standard for sealing with respect to a handful of  
26 those documents and whether or not seeking leave of the Court to file a motion for  
27 reconsideration of the Order, or the filing of an appeal pursuant to 28 U.S. Code § 1292, may be  
28 necessary and appropriate under the circumstances;

1           WHEREAS, Plaintiffs take no position with respect to whether or not a motion for  
2 reconsideration or § 1292 appeal is appropriate at this juncture;

3           WHEREAS, Plaintiffs have worked diligently to comply with the Court's Order and to be  
4 in a position to re-file their submission by March 15, 2018, but have agreed to Ford's request to  
5 extend the time to comply with the Order as a courtesy, to allow Ford adequate time to further  
6 evaluate the materials at issue;

7           NOW, THEREFORE, the Parties hereby stipulate and agree, subject to Court approval,  
8 that the deadline for Plaintiffs to re-file their pre-trial memorandum and attached exhibits  
9 consistent with the Order shall be continued to March 23, 2018. To the extent Ford intends to  
10 seek leave of the Court to file a motion for reconsideration or otherwise provide notice of  
11 interlocutory appeal, Ford will do so by March 22, 2018.

12           IT IS SO STIPULATED.

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Dated: March 14, 2018

O'MELVENY & MYERS LLP

By: /s/ E. Clay Marquez

E. Clay Marquez  
Attorneys for Defendant  
FORD MOTOR COMPANY

Dated: March 14, 2018

By: /s/ Steve W. Berman

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*Class Counsel*

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**ATTESTATION OF FILING**

Pursuant to Local Rule 5.1(i)(3) regarding signatures, I, E. Clay Marquez, hereby attest that concurrence in the filing of this Joint Stipulation to Extend Time for Parties to Comply with Order Granting in Part and Denying in Part Plaintiffs' Administrative Motion to File Under seal has been obtained from Steve Berman with conformed signatures above.

Dated: March 14, 2018

By: /s/ E. Clay Marquez  
E. Clay Marquez

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 15 2018

