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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO DIVISION
 18

19 IN RE
 20 MYFORD TOUCH CONSUMER
 21 LITIGATION.
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No. 13-cv-3072-EMC
**JOINT CASE MANAGEMENT
 STATEMENT ; ORDER**

 Date: June 12, 2014
 Time: 10:30 A.M.
 Courtroom: 5, 17th Floor
 Judge: Hon. Edward M. Chen

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I. INTRODUCTORY STATEMENT

Pursuant to the Court’s Minute Entry (Dkt. No. 87) and the Standing Order for all Judges of the Northern District of California, counsel for the parties respectfully submit this Updated Joint Case Management Statement. This is the fourth Case Management Statement; three previous statements were filed with the Court on October 3, 2013 (Dkt. No. 33); January 16, 2014 (Dkt. No. 58); and April 17, 2014 (Dkt. No. 82). This Updated Joint Case Management Statement is intended to: update the Court on the status of the pleadings and discovery; request an extension of time for Ford to file its Answer; and, request a sixty (60) day postponement of the June 12, 2014 Court Management Conference.

II. JOINT CASE MANAGEMENT STATEMENT

A. Motions

On January 13, 2014, Ford filed its Motion to Dismiss (Dkt. No. 56). Plaintiffs filed a Memorandum in Opposition on February 21, 2014 (Dkt. No. 69) and Ford filed its Reply on March 14, 2014 (Dkt. No. 72). The Court heard oral argument on April 25, 2014. On May 30, 2014 this Court rendered a decision granting in part and denying in part Ford’s Motion to Dismiss (Dkt. No. 97).

B. Amendment of Pleadings

Plaintiffs will not amend the First Amended Complaint (“FAC”) and will proceed based on the surviving claims. Thus, the current deadline to file an Answer to the FAC is June 13, 2014. Ford anticipates that due to the length of the FAC it will be in a position to file an Answer by July 14, 2014. Ford therefore requests that the Court grant an extension of thirty (30) days from the current deadline. Plaintiffs consent to Ford’s request for an extension.

III. STATUS OF DISCOVERY

As previously reported (*see* Dkt. No. 82), the parties participated in a Rule 26(f) conference and exchanged their initial disclosures, pursuant to Rule 26(a). Plaintiffs served Ford with their First Set of Requests for Production of Documents on December 3, 2013 and Ford served its Responses and Objections to Plaintiffs’ First Set of Requests for Production of Documents, with Plaintiffs’ agreement, on January 17, 2014.

1 Since April 17, 2014, the parties have agreed upon the format of production, including
2 Electronically Stored Information (“ESI”) protocols. The parties have also negotiated a general
3 protective order, which this Court ordered on May 16, 2014 (Dkt. No. 96). The parties are currently
4 negotiating a second protective order that would pertain to highly confidential information, such as
5 source code data.

6 Over the coming months, Ford anticipates making regular productions around every two
7 weeks. Ford has so far made the following productions:

- 8 • Documents pertaining to the named Plaintiffs’ vehicles and
9 warranty history (04/03/2014);
- 10 • Showroom brochures, owners’ manuals, and warranty guides
11 (04/15/2014);
- 12 • Additional showroom brochures, owners’ manuals, and
13 warranty guides, as well as print/video advertising (5/22/2014);
- 14 • Special Service Messages and Technical Service Bulletins
15 (5/27/2014);
- 16 • Email production of approximately 95,000 pages for Document
17 Custodian J. Bragg (5/30/2014).

18 On February 26, 2014, Plaintiffs served Ford with a Second Set of Requests for Production of
19 Documents. On April 1, 2014 Ford served its Responses and Objections to Plaintiffs’ Second Set of
20 Requests for Production of Documents. Ford objected to this discovery primarily on the grounds of
21 relevance and burdensomeness because it sought documents concerning Ford’s communications and
22 relationships with other entities regarding future technology systems that are not installed in the
23 current production of Ford or Lincoln vehicles. The parties have met and conferred on multiple
24 occasions regarding Ford’s responses to the Second Set of Requests for Production of Documents.
25 On May 27, 2014, Ford communicated that, while it intends to stand on its objections of relevancy
26 and burden, its search efforts for relevant information are on-going and, to the extent relevant
27 information is identified, it will so advise Plaintiffs. Plaintiffs continue to believe that the Second
28 Set of Requests for Production of Documents seeks relevant documents the collection and production

1 of which would impose no unusual burden upon Ford. While the parties' efforts to resolve this
2 dispute amicably are on-going, motion practice may be required to resolve this dispute.

3 On December 31, 2013, Ford served Plaintiffs with its First Set of Interrogatories and
4 Requests for Production of Documents, to which Plaintiffs responded, with Ford's agreement, on
5 March 17, 2014. Several plaintiffs provided only objections to Ford's interrogatories and no
6 plaintiffs have produced any documents. Ford raised these and other issues with Plaintiffs'
7 responses in a letter on April 16, about which Plaintiffs have now agreed to Meet and Confer.

8 The parties will continue to work cooperatively to ensure the efficient and timely exchange of
9 documents and do not believe there are any disputes that require the Court's assistance at this time.

10 **IV. POSTPONEMENT OF CASE MANAGEMENT CONFERENCE**

11 Given the productive developments outlined in Section III of this Updated Joint Case
12 Management Statement, all parties believe that additional time to review the ongoing mutual
13 productions will better position them to make meaningful case management scheduling
14 recommendations. In addition, Ford's lead counsel have scheduling constraints including, for Mr.
15 Edwards, an impending trial in another matter, that would make a continuance of the June 12, 2014
16 conference preferable. As such, all parties request postponing the Case Management Conference by
17 sixty (60) days, to August 12, 2014 on the grounds of prematurity and defense counsel's limited
18 availability at the scheduled time. All parties anticipate that they will be able to provide the Court
19 with a full discovery and trial schedule by August 2014.

20 DATED: June 5, 2014

HAGENS BERMAN SOBOL SHAPIRO LLP

21
22 By /s/ Steve W. Berman

Steve W. Berman (*pro hac vice*)

23 Catherine Y.N. Gannon (*pro hac vice*)

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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

I, Steve W. Berman, am the ECF User whose identification and password are being used to file the foregoing document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

Dated: June 5, 2014

/s/ Steve W. Berman
Steve W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the email addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system.

Dated: June 5, 2014

/s/ Steve W. Berman
Steve W. Berman

IT IS SO ORDERED that the CMC is reset from 6/12/14 to 8/14/14 at 10:30 a.m. An updated joint CMC statement shall be filed by 8/7/14.

Edward M. Chen
U.S. District Judge

