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Attorneys for Defendants  
 DIRECTV and DIRECTV, LLC

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

**FEDERAL TRADE COMMISSION,**  
 Plaintiff,  
 v.  
**DIRECTV,**  
 a corporation,  
 and  
**DIRECTV, LLC,**  
 a limited liability company,  
 Defendants.

Case No. 15-cv-01129-HSG  
 Hon. Haywood S. Gilliam, Jr.

**STIPULATED MOTION AND  
~~(PROPOSED)~~ ORDER TO EXTEND  
 DISCOVERY DEADLINES**

1 Plaintiff Federal Trade Commission (“FTC”) and Defendants DIRECTV and DIRECTV,  
 2 LLC (collectively, “DIRECTV”), jointly move the Court to extend the discovery deadlines in  
 3 this matter in order to allow the parties sufficient time to complete fact discovery. The parties’  
 4 proposed revised schedule would not alter the current dates for summary judgment or trial.

5 **I. The Parties’ Proposed Schedule**

6 The parties jointly propose the following revisions to the current case schedule (Dkt. No.  
 7 138) in order to allow sufficient time to complete a number of outstanding depositions and to  
 8 review recently produced and soon-to-be produced materials. This proposal continues the  
 9 deadline for fact discovery by three weeks, extends expert discovery by two weeks, and moves  
 10 the settlement conference to December 5, 2016, or as soon thereafter as practicable for Judge  
 11 Spero. (*See* Dkt. No. 140.)

	<b>Current Schedule (Dkt. No. 138)</b>	<b>The Parties’ Proposal</b>
Fact Discovery Closes	July 22, 2016	Aug. 12, 2016
Opening Expert Reports	Sept. 2, 2016	Sept. 16, 2016
MSJ Filing	Sept. 22, 2016	No Change
Rebuttal Expert Reports	Sept. 30, 2016	Oct. 13, 2016
MSJ Opposition	Oct. 6, 2016	No Change
MSJ Reply	Oct. 13, 2016	No Change
Reply Expert Reports	Oct. 21, 2016	Nov. 4, 2016
MSJ Hearing Date	Oct. 27, 2016	No Change
Expert Discovery Close	Nov. 10, 2016	Nov. 23, 2016
Settlement Conference	Nov. 18, 2016	Dec. 5, 2016
Pretrial Conference	Jan. 17, 2017	No Change
Bench Trial Date	Jan. 30, 2017	No Change

1           **II.     Discovery Taken to Date.**

2           The parties have conducted considerable discovery to date:

- 3           • The FTC has produced over 133,000 pages of documents and DIRECTV has produced
- 4           over 384,302 pages of documents, plus an additional 1,829 audio files.
- 5           • The FTC has sought documents from 22 third parties, including DIRECTV's
- 6           telemarketers, dealers, advertising agencies, and market research vendors; those
- 7           companies have made substantial productions, with some productions ongoing.
- 8           • The parties have taken 29 depositions, and have noticed an additional nine depositions of
- 9           individuals and corporate designees.
- 10          • The parties have brought 16 letter briefs to Judge James (Dkt. Nos. 56, 66, 70, 82, 89,
- 11          106, 107, 113, 121, 127, 130, 142, 146, 148, 149 and 152.)

12           **III.     Reasons for the Proposed Extension.**

13           The parties are requesting this extension of discovery deadlines for three principal

14 reasons. First, due to the unavailability of some witnesses, several depositions cannot be

15 completed by July 22. Second, DIRECTV has produced a large volume of material over the past

16 three weeks, including 1,829 recordings of sales calls. Third, several third parties have expressed

17 an intention to produce additional documents to the FTC. The FTC needs a modest amount of

18 additional time to complete its review of these recent and expected productions prior to the

19 commencement of expert discovery, and both parties need time to complete noticed depositions.

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23                           **IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE**

24 **PARTIES** through their respective attorneys of record as follows:

25           WHEREAS, the parties require additional time to resolve discovery disputes and

26 conclude the necessary discovery,

27

1            THEREFORE, the parties have stipulated and agreed, and do hereby respectfully request  
2 that the Court extend discovery deadlines and set the following deadlines:

3		
4	Fact Discovery Closes	Aug. 12, 2016
5	Opening Expert Reports	Sept. 16, 2016
6	MSJ Filing	Sept. 22, 2016
7	MSJ Opposition	Oct. 6, 2016
8	Rebuttal Expert Reports	Oct. 13, 2016
9	MSJ Reply	Oct. 13, 2016
10	MSJ Hearing Date	Oct. 27, 2016
11	Reply Expert Reports	Nov. 4, 2016
12	Expert Discovery Close	Nov. 23, 2016
13	Settlement Conference	Dec. 5, 2016
14	Pretrial Conference	Jan. 17, 2017
15	Bench Trial Date	Jan. 30, 2017

16 **SO STIPULATED:**

17 Dated: July 15, 2016

*/s/ Eric D. Edmondson*

Eric D. Edmondson  
Counsel for Plaintiff Federal Trade Commission

20 Dated: July 15, 2016

*/s/ Chad S. Hummel*

Chad S. Hummel  
Counsel for Defendants DIRECTV and  
DIRECTV, LLC

1 **Attestation pursuant to Local Rule 5.1(i)(3)**

2 Pursuant to Local Rule 5.1(i)(3) , I attest that concurrence in the filing of this document has been  
3 obtained from all Signatories to this document.

4  
5 */s/ Eric D. Edmondson*

6 \_\_\_\_\_  
7 Eric D. Edmondson  
8 Counsel for Plaintiff Federal Trade Commission

9 **~~PROPOSED~~ ORDER**

10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11  
12 Dated: 7/19/2016

13   
14 HON. HAYWOOD S. GILLIAM, JR.  
15 United States District Judge