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IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JULIA BERNSTEIN, LISA MARIE SMITH,
and ESTHER GARCIA, on behalf of themselves
and all others similarly situated,

Plaintiff,

v.

VIRGIN AMERICA, INC.; and Does 1-10,
inclusive;

Defendants.

CASE NO.: 15-CV-02277-JST

**JOINT STIPULATION TO CONTINUE
CERTAIN DEADLINES PURSUANT TO
LOCAL RULE 6-2; ~~PROPOSED~~
ORDER**

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Attorneys for Plaintiffs and the Class

1 **STIPULATION**

2 Plaintiffs Julia Bernstein, et al. (“Plaintiffs”) and Defendant Virgin America, Inc.
3 (“Defendant”) (collectively, the “Parties”), by and through their counsel, hereby stipulate and agree
4 as follows:

5 1. On September 22, 2017, the Parties stipulated to revise certain of the deadlines set forth
6 in the Court’s scheduling order as follows (Dkt. No. 190):

- | | | |
|----|--------------------|---|
| 7 | September 29, 2017 | Deadline for the Parties to finalize deposition schedule for |
| 8 | | outstanding depositions of Defendant and its personnel |
| 9 | October 9, 2017 | Fact discovery cutoff (extended only to resolve outstanding |
| 10 | | meet and confer matters and provide any updated disclosures |
| 11 | | and responses) |
| 12 | October 9, 2017 | Deadline for Defendant to provide responsive documents to |
| 13 | | Plaintiffs’ Request for Production of Documents, Set Six |
| 14 | October 27, 2017 | Deadline for completion of outstanding depositions of |
| 15 | | Defendant and its personnel |
| 16 | November 10, 2017 | Deadline for production of expert reports |
| 17 | December 1, 2017 | Deadline for production of rebuttal reports |
| 18 | December 12, 2017 | Deadline for completion of expert discovery |
| 19 | December 19, 2017 | Deadline to file dispositive motions or motions to decertify |
| 20 | | (with the deadline to file oppositions to said motions to be set |
| 21 | | for thirty (30) days after the filing of same, and the deadline |
| 22 | | to file replies in support of said motions to be set for fourteen |
| 23 | | (14) days after oppositions to same are filed) |

24 2. The Court granted the Parties’ stipulation to revise the deadlines on September 27,
25 2017. (Dkt. No. 191.)

26 3. On November 10, 2017, the parties exchanged expert reports. Plaintiffs produced one
27 expert report. Defendant produced four expert reports and one non-retained expert

1 report. Since the exchange of expert reports, the Parties have been meeting and
2 conferring regarding the completion of expert discovery, including scheduling the
3 depositions of six designated experts.

4 4. The Parties have now agreed upon a schedule for those six depositions. Given the
5 number of depositions and the Thanksgiving holiday, such schedule requires certain
6 depositions to occur after the current deadline for completing expert discovery.

7 5. The Parties have accordingly agreed, subject to the Court's approval, to continue the
8 expert discovery deadlines and the deadline to file dispositive motions or motion to
9 decertify.

10 6. Moving these deadlines will not require moving any other pretrial or trial deadlines.

11 The pretrial conference is currently set for April 6, 2018 and trial is scheduled to begin
12 May 14, 2018.

13 NOW, THEREFORE, the Parties, through their respective counsel, hereby stipulate, subject
14 to the approval of the Court, to the following revised schedule:

15 December 27, 2017	Deadline for production of rebuttal reports
16 January 10, 2018	Deadline for completion of expert discovery
17 January 12, 2018	Deadline to file dispositive motions or motions to decertify
18 February 9, 2018	Deadline to file oppositions to dispositive motions or motions 19 to decertify
20 February 23, 2018	Deadline to file replies in support of dispositive motions or 21 motions to decertify
22 March 8, 2018	Hearing on dispositive motions or motions to decertify

23 **IT IS SO STIPULATED.**

24 Dated: November 27, 2017

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

26 By: /s/ Monique Olivier
27 Monique Olivier
28 Attorneys for Plaintiffs

1 Dated: November 27, 2017

MORGAN, LEWIS & BOCKIUS LLP

2 By: /s/ Robert Jon Hendricks *
3 Robert Jon Hendricks
4 Attorneys for Defendant

5 *I, Robert Jon Hendricks, attest that Monique Olivier has concurred in the filing of this document.
6 (L.R. 5-1(i).)
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1 **[PROPOSED] ORDER**

2 Pursuant to the stipulation of the Parties, and good cause appearing, the scheduling order is
3 modified as follows:

- | | | |
|----|---|--|
| 4 | December 27, 2017 | Deadline for production of rebuttal reports |
| 5 | January 10, 2018 | Deadline for completion of expert discovery |
| 6 | January 12, 2018 | Deadline to file dispositive motions or motions to decertify |
| 7 | February 8, 2018
February 9, 2018 | Deadline to file oppositions to dispositive motions or motions |
| 8 | | to decertify |
| 9 | February 22, 2018
February 23, 2018 | Deadline to file replies in support of dispositive motions or |
| 10 | | motions to decertify |
| 11 | March 8, 2018 | Hearing on dispositive motions or motions to decertify |

12 **IT IS SO ORDERED.** The pretrial conference will be held on April 27, 2018.

13
14 DATED: November 27, 2017



15 Hon. Jon S. Tigar
United States District Judge