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 7 U.S.A., INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

11  
 12 JOHN UTNE, on behalf of himself, all  
 13 others similarly situated, and the general  
 public,

14 Plaintiff,

15 vs.

16 HOME DEPOT U.S.A., INC., a Delaware  
 17 corporation; and DOES 1-50, inclusive,

18 Defendants.

Case No. 3:16-CV-01854-RS

[Assigned to Hon. Richard Seeborg]

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER EXTENDING EXPERT  
 DEADLINES, DECERTIFICATION  
 MOTION DEADLINE, PRETRIAL  
 CONFERENCE AND TRIAL DATE**

Date Action Filed: March 8, 2016

1 **STIPULATION**

2 Plaintiff John Utne and defendant Home Depot U.S.A., Inc. (“Home Depot”), through their  
3 respective counsel of record, stipulate as follows:

4 1. Plaintiff’s retained experts are in the process of conducting a damages analysis that  
5 includes a survey of the class and analysis of class timekeeping and payroll data;

6 2. The parties are working cooperatively, but require additional time, to resolve certain  
7 questions regarding class payroll and timekeeping data in connection with expert reports;

8 3. Those questions include what Plaintiff and his expert believe is a discrepancy between  
9 the number of individuals in the class list and the number of individuals whose data has been provided,  
10 what Plaintiff and his expert believe is a discrepancy between the number of stores in one data set  
11 provided by defendant and the number of stores in a different data set, and a request by Plaintiff for  
12 production of a sampling of the hard copy time adjustment forms used by Home Depot.

13 4. Good cause exists to extend the expert disclosure and discovery deadlines, subsequent  
14 motion and pretrial deadlines, and trial date so that the parties have the necessary information to  
15 complete expert reports and discovery and the ability to utilize that information and discovery in  
16 connection with pretrial motions and trial;

17 5. To date, the following deadlines in this action have been modified: (1) Stipulation to  
18 Continue Initial Case Management Conference and Order granting same (Dkt Nos. 17-18);  
19 (2) Stipulation to Continue Class Certification Briefing and Hearing and Order granting same (DE 35-  
20 36); (3) Stipulation to Continue Briefing and Hearing and Order granting same (DE 110-111);  
21 (4) Defendant’s Motion to Enlarge Time to Oppose Plaintiff’s Motion for Partial Summary Judgment  
22 and Order granting same (DE 122 and 124); (5) Order to Extend Plaintiff’s Deadline to Oppose Motion  
23 for Partial Summary Judgment and Order granting same (DE 130); and (6) Stipultaion to Extend  
24 Expert Deadlines, Defendant’s Decertification Motion Deadline, Pretrial Conference and Conference  
25 Trial Date and Order granting same (DE 143-144).

26 6. The parties propose the following modified schedule for expert disclosures and related  
27 and subsequent deadlines. The proposed scheduled continues the current case deadlines, set forth in  
28 the Court’s June 25, 2019 Order (DE 144), approximately 30 days:

Event	Proposed Date
Expert Designation Deadline	October 16, 2019
Home Depot's Decertification Motion Deadline	October 16, 2019
Rebuttal and Supplemental Expert Designation Deadline	December 2, 2019
Completion of Expert Discovery	January 15, 2020
Pretrial Conference	Wednesday, April 22, 2020
Trial date	June 1, 2020

IT IS SO STIPULATED.

Dated: September 4, 2019

AKIN GUMP STRAUSS HAUER & FELD

By: /s/ Donna M. Mezas

Donna M. Mezas

Attorneys for defendant Home Depot U.S.A., Inc.

Dated: September 4, 2019

SETAREH LAW GROUP

By: /s/ Shaun Setareh

Shaun Setareh

Attorneys for plaintiff John Utne

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that concurrence in the filing of this document has been obtained from each of the above signatories.

1 **[PROPOSED] ORDER**

2 Good cause appearing, and for the reasons set forth above, it is hereby ordered that the  
3 deadlines set forth in the Court's June 25, 2019 Order (DE 144) shall be continued as follows:

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Event	<del>Proposed</del> Date
Expert Designation Deadline	October 16, 2019
Home Depot's Decertification Motion Deadline	October 16, 2019
Rebuttal and Supplemental Expert Designation Deadline	December 2, 2019
Completion of Expert Discovery	January 15, 2020
Pretrial Conference	Wednesday, April 22, 2020
Trial date	Monday, June 1, 2020

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14 IT IS SO ORDERED.

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16 Dated: September 6, 2019



17 Honorable Richard Seeborg  
18 United States District Judge

CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is: 580 California Street, Suite 1500, San Francisco, California 94104. On September 4, 2019, I served the foregoing document(s) described as: **STIPULATION AND [PROPOSED] ORDER EXTENDING EXPERT DEADLINES, DECERTIFICATION MOTION DEADLINE, PRETRIAL CONFERENCE AND TRIAL DATE,** on the interested party(ies) below, using the following means:

**All parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the referenced case caption and number**

BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 4, 2019, at San Francisco, California

Jeremias V. Cordero

[Print Name of Person Executing Proof]



[Signature]