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7 Attorneys for Plaintiff  
 8 John Utne and the Class

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

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

13 *Plaintiff,*

14 vs.

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

17 *Defendants.*

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

**JOINT STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND EXPERT  
 DEADLINES, DEFENDANT'S  
 DECERTIFICATION MOTION  
 BRIEFING DEADLINES, PRETRIAL  
 CONFERENCE AND TRIAL DATE  
 AS MODIFIED BY THE COURT**

Action Filed: March 8, 2016

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**JOINT STIPULATION**

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2 This Joint Stipulation to extend expert deadlines, Defendant’s decertification motion briefing  
3 deadlines, pretrial deadlines and trial date is made by and between plaintiff John Utne and defendant  
4 Home Depot U.S.A., Inc., through their respective counsel of record:

5 1. Pursuant to the Court’s Case Management Order (DE 116), as amended (DE 158),  
6 Plaintiff has designated three experts for trial, and defendant has designated one expert.

7 2. Defendant has produced a voluminous quantity of material related to the expert report of  
8 Robert Crandall, including 30 hard drives of video footage and 15,000 pages of documents. After meeting  
9 and conferring, defendant has agreed to produce additional material to plaintiff in connection with Mr.  
10 Crandall’s report to expedite completion of expert discovery.

11 3. Plaintiff’s expert, Dr. Jon Krosnick, has produced a 597-page report and a voluminous  
12 documents and data that defendant’s expert needs time to review and analyze. In addition, on January 14,  
13 2020 (DE 172), the Court overruled plaintiff’s objections to the Magistrate Judge’s December 27, 2019  
14 Order Regarding Expert Discovery Dispute (DE 165) and compelled Dr. Krosnick to produce documents  
15 and information related to individual respondents. Plaintiff also has agreed to produce additional material  
16 to defendant after meeting and conferring in connection with the reports of its other experts.

17 4. Given the volume of discovery and supplemental productions by the experts for both  
18 sides, both plaintiff and defendant and their experts need additional time to review and analyze these  
19 materials prior to conducting expert depositions and the presentation of rebuttal experts. The parties  
20 believe the current expert discovery schedule is not feasible in light of these developments, including the  
21 Court’s recent orders on discovery and the parties’ good faith efforts to resolve other matters related to  
22 expert discovery.

23 5. In addition, because much of the expert discovery relates to defendant’s pending motion  
24 for decertification, and such discovery and the decertification motion will impact the parties’ preparation  
25 for the pretrial conference and trial, the parties believe it is necessary to continue the briefing schedule and  
26 hearing date for the pending decertification motion, all pretrial deadlines and the trial date.

27 6. Based on the foregoing, the parties agree to extend all deadlines and dates in this case by  
28 approximately 30 days. The parties respectfully request that the Court adopt the below proposed revised

1 case schedule.

EVENT	PROPOSED DATE
Rebuttal and Supplemental Expert Designation Deadline	March 2, 2020
Plaintiff's Opposition to Defendant's Decertification Motion Deadline	March 2, 2020
Defendant's Reply ISO Defendant's Decertification Motion Deadline	April 6, 2020
Last Day for Hearing Pretrial Motions	April 2, 2020
Completion of Expert Discovery	April 13, 2020
Hearing Date for Defendant's Decertification Motion	May 7, 2020, 1:30 p.m.
Pretrial Conference	July 22, 2020, 10:00 a.m.
Trial Date	September 21, 2020

12 7. The parties request however that as to the trial that the trial be dark on Jewish holidays that  
13 may overlap with it, which some members of Plaintiff's trial team observe, and that jurors may also observe.  
14 Those dates include September 18 through 20 (Rosh Hashanah), September 28 (Yom Kippur), and October  
15 3, 4, 10 and 11 (Sukkot).

16 8. To date, the following deadlines in this action have been modified: Stipulation to Continue  
17 Initial Case Management Conference and Order granting same (Dkt Nos. 17 and 18); Stipulation to  
18 Continue Class Certification Briefing and Hearing and Order granting same (Dkt Nos. 35 ad 36); Stipulation  
19 to Continue Briefing and Hearing and Order granting same (Dkt Nos. 110 and 111); Defendant's Motion to  
20 Enlarge Time to Oppose Plaintiff's Motion for Partial Summary Judgment and Order granting same (Dkt  
21 Nos. 122 and 124); Stipulation to Extend Plaintiff's Deadline to Oppose Motion for Partial Summary  
22 Judgment and Order Granting Same (Dkt 130); Stipulation to Extend Expert Deadlines, Defendant's  
23 Decertification Motion Deadline, Pretrial Conference and Trial Date (Dkt 144); Stipulation to Extend Expert  
24 Deadlines, Decertification Motion Deadline, Pretrial Conference and Trial Date (Dkt 151) and Stipulation to  
25 Set Briefing Schedule and Hearing Date for Defendant's Motion to Decertify (Dkt 155); and Stipulation to  
26 Extend Expert Deadlines, Defendant's Decertification Motion Briefing Deadlines, Pretrial Conference, and  
27 Trial Date (DE 158).

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IT IS SO STIPULATED.

Dated: January 29, 2020

SETAREH LAW GROUP

By: /s/ Shaun Setareh  
Shaun Setareh  
Attorneys for Plaintiff John Utne and the Class

Dated: January 29, 2020

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Donna M. Mezas  
Donna M. Mezas  
Attorneys for Defendant Home Depot U.S.A., Inc.

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.


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~~[PROPOSED]~~ ORDER AS MODIFIED BY THE COURT

**GOOD CAUSE APPEARING, IT IS HEREBY ORDERED** that the following deadlines and hearing date are entered:

EVENT	PROPOSED DATE
Rebuttal and Supplemental Expert Designation Deadline	March 2, 2020
Plaintiff's Opposition to Defendant's Decertification Motion Deadline	March 2, 2020
Defendant's Reply ISO Defendant's Decertification Motion Deadline	April 6, 2020
Last Day for Hearing Pretrial Motions	April 2, 2020
Completion of Expert Discovery	April 13, 2020
Hearing Date for Defendant's Decertification Motion	May 7, 2020, 1:30 p.m.
Pretrial Conference	<del>September 23,</del> <del>July 22,</del> 2020, 10:00 a.m.
Trial Date	October 13, <del>September 21,</del> 2020

Dated: 1/30/2020

  
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Honorable Richard Seebo  
United States District Judge