

1 Shaun Setareh (SBN 204514)
 shaun@setarehlaw.com
 2 Thomas Segal (SBN 222791)
 thomas@setarehlaw.com
 3 William M. Pao (SBN 219846)
 william@setarehlaw.com
 4 SETAREH LAW GROUP
 5 315 South Beverly Drive, Suite 315
 Beverly Hills, California 90212
 6 Telephone: (310) 888-7771
 Facsimile: (310) 888-0109

7 Attorneys for Plaintiff,
 8 JOHN UTNE and CLASS MEMBERS

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 ORDER TO
 EXTEND EXPERT DEADLINES,
 DEFENDANT’S
 DECERTIFICATION MOTION
 BRIEFING DEADLINES AND HEARING
 ON MOTION TO DECERTIFY
 AS MODIFIED BY THE COURT**

Action Filed: March 8, 2016

28

JOINT STIPULATION

This Joint Stipulation to extend expert deadlines, Defendant’s decertification motion briefing deadlines, hearing on motion to decertify and pretrial conference is made by and between Plaintiff John Utne (“Plaintiff”) and Defendant Home Depot U.S.A., Inc. (“Defendant”), through their respective counsel of record, with reference to the following facts:

1. Both parties have designated experts for trial.
2. The parties have met and conferred regarding scheduling issues and need to make some changes to the deadlines set in the Court’s order of January 30, 2020 (ECF No. 181). The proposed changes to the deadlines are intended to make expert discovery more efficient and ensure parties have full access to expert discovery before briefing Defendant’s Decertification Motion.
3. The requested edits to the deadlines will not require a continuance of the trial date of October 13, 2020.
4. The parties have stipulated to allow ten (10) extra pages per side on the decertification briefing for the purposes of discussing any objections to the expert reports.
5. Accordingly, the parties respectfully request that the Court adopt the below proposed revised case deadlines and enter an order permitting the parties ten (10) extra pages per side for the opposition to and reply in support of Defendant’s decertification motion.

EVENT	CURRENT DATE	PROPOSED DATE
Rebuttal and Supplemental Expert Designation Deadline	March 2, 2020	March 16, 2020
Parties complete the depositions of the designated experts	N/A	March 31, 2020
Completion of Expert Discovery	April 13, 2020	April 13, 2020
Plaintiff’s Opposition to Decertification Motion Deadline	March 2, 2020	April 14, 2020
Defendant’s Reply ISO Decertification Motion Deadline	April 6, 2020	May 12, 2020
Last day for hearing pretrial motions	April 2, 2020	May 26, 2020 at 1:30 p.m. or earliest date available to the Court and agreed to by both sides
Hearing Date for Decertification Motion	May 7, 2020, 1:30 p.m.	May 26, 2020 at 1:30 p.m. or earliest date

1			available to the Court and agreed to by both sides
2			
3	Hearing on Objections to experts for purposes of	N/A	May 26, 2020 at 1:30 p.m. or earliest date available to the Court and agreed to by both sides
4	Decertification Motion		
5			
6	Hearing on any pre-trial motions	N/A	May 26, 2020 at 1:30 p.m. or earliest date available to the Court and agreed to by both sides
7			
8			

9 6. To date, the following deadlines in this action have been modified: Stipulation to Continue
10 Initial Case Management Conference and Order granting same (Dkt Nos. 17 and 18);
11 Stipulation to Continue Class Certification Briefing and Hearing and Order granting same (Dkt
12 Nos. 35 ad 36); Stipulation to Continue Briefing and Hearing and Order granting same (Dkt
13 Nos. 110 and 111); Defendant’s Motion to Enlarge Time to Oppose Plaintiff’s Motion for
14 Partial Summary Judgment and Order granting same (Dkt Nos. 122 and 124); Stipulation to
15 Extend Plaintiff’s Deadline to Oppose Motion for Partial Summary Judgment and Order
16 Granting Same (Dkt 130); Stipulation to Extend Expert Deadlines, Defendant’s Decertification
17 Motion Deadline, Pretrial Conference and Trial Date (Dkt 144); Stipulation to Extend Expert
18 Deadlines, Decertification Motion Deadline, Pretrial Conference and Trial Date (Dkt 151);
19 Stipulation to Set Briefing Schedule and Hearing Date for Defendant’s Motion to Decertify (Dkt
20 155); Stipulation to Extend Expert Deadlines, Defendant’s Decertification Motion Briefing
21 Deadlines, Pretrial Conference, and Trial Date (Dkt. 158); and Stipulation to Extend Expert
22 Deadlines, Defendant’s Decertification Motion Briefing Deadlines, Pretrial Conference, and
23 Trial Date (Dkt. 181).

24 IT IS SO STIPULATED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: February 26, 2020

SETAREH LAW GROUP

By: /s/ Shaun Setareh
Shaun Setareh
Attorneys for Plaintiff,
John Utne

Dated: February 26, 2020

Quinn Emanuel Urquhart & Sullivan, LLP

By: /s/ Shon Morgan
Shon Morgan
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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER [AS MODIFIED BY THE COURT]

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

EVENT	DATE
Rebuttal and Supplemental Expert Designation Deadline	March 16, 2020
Parties complete the depositions of the designated experts	March 31, 2020
Completion of Expert Discovery	April 13, 2020
Plaintiff's Opposition to Decertification Motion Deadline	April 14, 2020
Defendant's Reply ISO Decertification Motion Deadline	May 12, 2020
Last day for hearing pretrial motions	May 28, 2020 at 1:30 p.m.
Hearing Date for Decertification Motion	May 28, 2020 at 1:30 p.m.
Hearing on Objections to experts for purposes of motion to decertify	May 28, 2020 at 1:30 p.m.
Hearing on any pre-trial motions	May 28, 2020 at 1:30 p.m.

The Court further orders that the parties' page limitations for briefing on Defendant's Motion to Decertify shall be increased by five (5) pages per side. Accordingly, Plaintiff shall have thirty (30) pages for its brief in opposition to Defendant's Motion to Decertify and Defendant shall have twenty (20) pages for its reply brief in support of its Motion to Decertify.

Dated: February 27, 2020



Honorable Richard Seeborg
United States District Judge