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*behalf of all others similarly situated and*  
 7 *aggrieved*

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13 *Attorneys for Defendant Home Depot U.S.A., Inc.*

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 JOHN UTNE, on behalf of himself, all others  
 18 similarly situated, and the general public;

19 Plaintiff,

20 vs.

21 HOME DEPOT U.S.A., INC., a Delaware  
 22 Corporation; and DOES 1-50, inclusive,

23 Defendants.

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

**JOINT STIPULATION AND ORDER RE  
 DISCOVERY, PRE-TRIAL SCHEDULE  
 AND TRIAL DATE AS MODIFIED BY  
 THE COURT**

Action Filed: March 8, 2016

1 **JOINT STIPULATION**

2 This Joint Stipulation is made by and between plaintiff John Utne and defendant Home  
3 Depot U.S.A., Inc., through their respective counsel of record:

4 1. On January 19, 2021, the parties stipulated to a schedule to ensure sufficient access  
5 to expert discovery before briefing defendant’s decertification motion. The Court entered an Order  
6 amending the schedule on January 21, 2021. [ECF No. 213].

7 2. Plaintiff has continued concerns regarding the completeness of Home Depot’s  
8 document production and questions regarding the same. Home Depot disputes the purported issues  
9 with the productions.

10 3. On February 5, 2021, Plaintiff’s counsel sent Home Depot’s counsel his portion of  
11 a Joint Letter Regarding Discovery Dispute (“Discovery Letter”) pursuant to this Court’s Order  
12 Referring Discovery Disputes. In the Discovery Letter, Plaintiff requested various forms of issue  
13 and monetary sanctions to address the perceived problems with Home Depot’s document  
14 production. Home Depot disputes the purported issues raised in the Discovery Letter.

15 4. On February 9, 2021, Home Depot’s counsel requested a telephonic meet-and-  
16 confer with lead trial counsel to discuss the issues raised in the Discovery Letter.

17 5. On February 10, 2021, counsel (including lead trial counsel) met-and-conferred  
18 telephonically to discuss the issues raised in the Discovery Letter. During the meet-and-confer  
19 call, Home Depot’s counsel agreed—as a compromise and to avoid a dispute—to, *inter alia*:  
20 (1) look into whether Home Depot could reproduce its time and pay records in a different format;  
21 (2) waive the discovery cut-off deadline for purposes of producing Rule 30(b)(6) witness(es)  
22 knowledgeable about various aspects of the time and pay records produced by Home Depot (to the  
23 extent plaintiff determines, after the review of a sample of reproduced time and pay records, that  
24 his questions would not be addressed through the reproduction of time and pay records in the  
25 format plaintiff requested, should Home Depot be able to reproduce those records); and  
26 (3) stipulate to continue all pending deadlines to give the parties time to resolve these issues.

27 6. Accordingly, the parties respectfully request the Court adopt the following  
28 proposed revised case schedule:

<b>Event</b>	<b>Current Date</b>	<b>Date</b>
Rebuttal Expert Designation Deadline	Completed	Completed
Deadline for Supplemental Expert Reports of Dr. Jon A. Krosnick and Mr. Robert Crandall	February 22, 2021	May 21, 2021
Deadline for Depositions of the Parties' Currently-Designated Experts	March 15, 2021	June 18, 2021
Completion of Expert Discovery	March 15, 2021	June 18, 2021
Plaintiff's Opposition to Defendant's Decertification Motion Deadline	April 5, 2021	July 16, 2021
Defendant's Reply ISO Defendant's Decertification Motion Deadline	April 26, 2021	August 6, 2021
Last Day for Hearing Pretrial Motions	May 6, 2021	August 19, 2021
Hearing Date for Defendant's Decertification Motion	May 6, 2021	August 19, 2021
Pretrial Conference	August 11, 2021 at 10:00 a.m.	November 3, 2021 at 10:00 a.m.
Trial Date	August 23, 2021	November 15, 2021

7. To date, the following deadlines in this action have been modified: Stipulation to Continue Initial Case Management Conference and Order granting same (ECF Nos. 17 and 18); Stipulation to Continue Class Certification Briefing and Hearing and Order granting same (ECF Nos. 35 ad 36); Stipulation to Continue Briefing and Hearing and Order granting same (ECF Nos. 110 and 111); Defendant's Motion to Enlarge Time to Oppose Plaintiff's Motion for Partial Summary Judgment and Order granting same (ECF Nos. 122 and 124); Stipulation to Extend Plaintiff's Deadline to Oppose Motion for Partial Summary Judgment and Order Granting Same (ECF No. 130); Stipulation to Extend Expert Deadlines, Defendant's Decertification Motion Deadline, Pretrial Conference and Trial Date (ECF No. 144); Stipulation to Extend Expert Deadlines, Decertification Motion Deadline, Pretrial Conference and Trial Date (ECF No. 151); Stipulation to Set Briefing Schedule and Hearing Date for Defendant's Motion to Decertify (ECF No. 155); Stipulation to Extend Expert Deadlines, Defendant's Decertification Motion Briefing Deadlines, Pretrial Conference and Trial Date (ECF No. 180); and Stipulation to Extend Expert Deadlines, Defendant's Decertification Motion Briefing Deadlines, and Hearing on Motion to

1 Decertify (ECF No. 187); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No.  
2 189); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No. 193); Stipulation and  
3 Order re: Pre-Trial Schedule and Trial Date (ECF No. 205); Stipulation and Order re: Pre-Trial  
4 Schedule and Trial Date (ECF No. 207); Stipulation and Order re: Pre-Trial Schedule and Trial  
5 Date (ECF No. 209); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No. 213).

6  
7 IT IS SO STIPULATED.  
8

9 DATED: February 22, 2021

10 QUINN EMANUEL URQUHART &  
11 SULLIVAN, LLP

12 By /s/ Jack Baumann

13 Shon Morgan

14 Jack Baumann

15 Attorneys for Defendant Home Depot U.S.A., Inc.

16 DATED: February 22, 2021

17 MARLIN & SALTZMAN  
18 SETAREH LAW GROUP

19 By /s/ Karen I. Gold

20 Stan Saltzman

21 Karen I. Gold

22 Attorneys for Plaintiff John Utne and the Class


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

2 **GOOD CAUSE APPEARING, IT IS HEREBY ORDERED** that the following  
3 deadlines and hearing dates are entered:  
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5 <b>Event</b>	<b>Date</b>
6 Rebuttal Expert Designation Deadline	Completed
7 Deadline for Supplemental Expert Reports of Dr. Jon A. Krosnick 8 and Mr. Robert Crandall	May 21, 2021
9 Deadline for Depositions of the Parties' Currently-Designated Experts	June 18, 2021
10 Completion of Expert Discovery	June 18, 2021
11 Plaintiff's Opposition to Defendant's Decertification Motion Deadline	July 16, 2021
12 Defendant's Reply ISO Defendant's Decertification Motion 13 Deadline	August 6, 2021
14 Last Day for Hearing Pretrial Motions	August 19, 2021
15 Hearing Date for Defendant's Decertification Motion	August 19, 2021
16 Pretrial Conference	November 3, 2021 at 17 10:00 a.m.
18 Trial Date	November 15, 2021

19  
20 Dated: February 22, 2021

  
21 Honorable Richard Seeborg  
22 Chief United States District Judge  
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