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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

**JOINT STIPULATION**

1  
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 February 22, 2021, the parties stipulated to a schedule to ensure sufficient  
5 access to expert discovery before briefing defendant’s decertification motion. The Court entered  
6 an Order amending the schedule on that same day. [ECF No. 215].

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. The parties continued to meet-and-confer over the issue, and on May 7, 2021,  
28 Home Depot’s counsel informed Plaintiffs’ counsel that Home Depot could produce the time

1 records in a format substantially similar to the format Plaintiffs requested, but that doing so would  
 2 take approximately 400 man hours. The parties continued to meet-and-confer extensively over the  
 3 next two months in an effort to ensure that any new productions or re-productions of the records  
 4 would resolve the pending issues. These meet-and-confer efforts took considerable time as they  
 5 required repeated back-and-forth between counsel, the parties, and the experts.

6 7. On July 30, 2021, the parties finally reached an agreement regarding the  
 7 production/re-production of the time records, pay records and class list. Plaintiff agrees that if  
 8 Home Depot’s new productions or re-productions of the records complies with the agreements  
 9 reached between the parties as memorialized in the emails sent between them throughout the meet-  
 10 and-confer process, it will resolve the pending issues pertaining to the form of the time records,  
 11 pay records, and class list.

12 8. In light of the parties’ prior discussions and agreements, plaintiffs are not presently  
 13 aware of any material information they believe would be omitted from the contemplated  
 14 production, but reserve the right seek court intervention in the event of a potential unforeseen issue  
 15 with the completeness of the production.

16 9. Home Depot will begin compiling the necessary records for production, which  
 17 Home Depot estimates will take approximately 400 man hours.

18 10. Accordingly, the parties respectfully request the Court adopt the following  
 19 proposed revised case schedule:

Event	Current Date	Date
Rebuttal Expert Designation Deadline	Completed	Completed
Deadline for Home Depot to file Supplemental Submission in Support of its Motion to Decertify, Addressing the Recent Decisions In <i>Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC</i> , 993 F.3d 774 (9th Cir. 2021) and <i>TransUnion</i>	n/a	August 27, 2021 (subject to the Court granting leave to supplement)

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1	<i>LLC v. Ramirez</i> , No. 20-297, 2021 WL 2599472, at *1 (U.S. June 25, 2021) <sup>1</sup>		
2	Deadline for Home Depot to submit any supplemental time records	n/a	October 15, 2021
3	Deadline for Supplemental Expert Reports	May 21, 2021	December 17, 2021
4	Deadline for Depositions of the Parties' Currently-Designated Experts	June 18, 2021	January 21, 2022
5			
6	Completion of Expert Discovery	June 18, 2021	January 21, 2022
7	Plaintiff's Opposition to Defendant's Decertification Motion Deadline	July 16, 2021	February 18, 2022
8	Defendant's Reply ISO Defendant's Decertification Motion Deadline	August 6, 2021	March 11, 2022
9			
10	Last Day for Hearing Pretrial Motions	August 20, 2021	March 24, 2022
11	Hearing Date for Defendant's Decertification Motion	August 20, 2021	March 24, 2022
12	Pretrial Conference	November 3, 2021 at 10:00 a.m.	May 25, 2022
13	Trial Date	November 15, 2021	June 6, 2022

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

25 \_\_\_\_\_  
26 <sup>1</sup> The parties have agreed to this short supplemental submission in exchange for a reciprocal  
27 extension of the page limitation for plaintiff's opposition brief (approximately five pages). Home  
28 Depot will be filing a separate administrative motion seeking leave to submit this supplement, but  
the parties desired to include a deadline for this submission (in the event leave is granted) to  
ensure a complete scheduling order covering all relevant dates is in place.

1 No. 155); Stipulation to Extend Expert Deadlines, Defendant’s Decertification Motion Briefing  
2 Deadlines, Pretrial Conference and Trial Date (ECF No. 180); and Stipulation to Extend Expert  
3 Deadlines, Defendant’s Decertification Motion Briefing Deadlines, and Hearing on Motion to  
4 Decertify (ECF No. 187); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No.  
5 189); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No. 193); Stipulation and  
6 Order re: Pre-Trial Schedule and Trial Date (ECF No. 205); Stipulation and Order re: Pre-Trial  
7 Schedule and Trial Date (ECF No. 207); Stipulation and Order re: Pre-Trial Schedule and Trial  
8 Date (ECF No. 209); Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No. 213);  
9 Stipulation and Order re: Pre-Trial Schedule and Trial Date (ECF No. 215); Stipulation and Order  
10 re: Pre-Trial Schedule and Trial Date (ECF No. 216); and Stipulation and Order re: Pre-Trial  
11 Schedule and Trial Date (ECF No. 218).

12 IT IS SO STIPULATED.

13 DATED: July 30, 2021

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

15 By /s/ John Baumann

16 Shon Morgan

17 John Baumann

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

19 DATED: July 30, 2021

MARLIN & SALTZMAN  
SETAREH LAW GROUP

21 By /s/ Karen I. Gold (with permission)

22 Stan Saltzman

23 Karen I. Gold

Attorneys for Plaintiff John Utne and the Class

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

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

<u>Event</u>	<u>New Date</u>
Rebuttal Expert Designation Deadline	Completed
Deadline for Home Depot to file Supplemental Submission in Support of its Motion to Decertify, Addressing the Recent Decisions In <i>Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC</i> , 993 F.3d 774 (9th Cir. 2021) and <i>TransUnion LLC v. Ramirez</i> , No. 20-297, 2021 WL 2599472, at *1 (U.S. June 25, 2021)	August 27, 2021 (subject to the Court granting leave to supplement)
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Hearing Date for Defendant's Decertification Motion	March 24, 2022
Pretrial Conference	May 25, 2022
Trial Date	June 6, 2022

Dated: 8/3/2021

Honorable Richard Seeborg  
United States District Judge