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17 *Attorneys for Defendant General Motors LLC*

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA**

20 PHILIP BRYDE, JENNIFER WATERS
21 and ALVIN NORTHINGTON, Individually
22 and on Behalf of All Others Similarly
23 Situated,

24 Plaintiffs,

25 v.

26 GENERAL MOTORS, LLC,

27 Defendant.

Case No.: 3:16-cv-02421-WHO

Hon. William H. Orrick

**JOINT STIPULATION AND ORDER
TO CONTINUE ADR COMPLETION
DATE AND MODIFY SCHEDULE
THROUGH CLASS CERTIFICATION
HEARING**

1 Plaintiffs Philip Bryde, Jennifer Waters and Alvin Northington (“Plaintiffs”) and
2 Defendant General Motors, LLC (“Defendant”), hereby submit the following Joint Stipulation
3 and [Proposed] Order to Continue ADR Completion Date and Modify Schedule Through
4 Class Certification Hearing.

5
6 WHEREAS on October 18, 2016 the Court issued an Order approving the parties’
7 proposed deadline of April 29, 2017 to complete private ADR [ECF 37];

8 WHEREAS on October 19, 2016 the Court issued a Minute Order [ECF 38] adopting
9 the parties’ proposed schedule through class certification and setting the following dates:

10
11 Motion for class certification to be filed: October 19, 2017
12 Opposition to be filed: December 21, 2017
13 Reply to be filed: January 31, 2018
14 Hearing on motion to certify: February 14, 2018 at 2:00 p.m.

15 In addition, the Minute Order scheduled a Further Case Management Conference for May 16,
16 2017.

17 WHEREAS the parties have not previously requested an extension of the ADR
18 deadline or the schedule through class certification;

19 WHEREAS, the parties have proceeded in good faith to litigate this case. On
20 December 1, 2016 Plaintiff served comprehensive sets of document requests and
21 interrogatories, to which Defendant has provided responses and an initial document
22 production. In addition, Defendant has served written discovery on Plaintiffs, and the parties
23 are in the process of setting up a physical inspection of a Plaintiff vehicle; and

24 WHEREAS, notwithstanding the parties’ good faith efforts to advance this matter,
25 several issues have arisen which have slowed down the pace of discovery and require that
26 additional time be built into the schedule. First, Plaintiffs’ lead counsel, Mark S. Greenstone,
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1 had a baby in the beginning of March 2017 and has had a reduced schedule for the last two
2 months. Second, certain technical issues have arisen with Defendant's document production
3 that have unavoidably delayed its completion. Specifically, while GM produced over two
4 thousand pages of documents in early March concerning the subject vehicles and their airbag
5 systems, (1) design and testing activities for an important component in question (the
6 Passenger Presence System sensor mat) go back several years before production of the 2010
7 Camaro began in 2009, and many of these activities were conducted by third-party suppliers
8 and sub-suppliers and a GM subsidiary in Australia, making retrieval of pertinent design and
9 testing documents difficult and time-consuming; GM is still attempting to ascertain the
10 existence and location of responsive documents; and (2) a last minute discovery that the
11 pertinent warranty data gathered by GM was incomplete has required the gathering of
12 additional data; the revised data should be produced in about ten days. Third, the parties have
13 a disagreement as to the scope of discovery which they are currently attempting to resolve
14 through the meet and confer process, in connection with which plaintiffs are in the process of
15 preparing a proposed ESI protocol. Fourth, the mediator whom the parties have agreed use,
16 Hon. Edward A. Infante (Ret.), will be on sabbatical from mid-July 2017 through the first
17 week of October 2017. The parties have discussed their respective settlement positions and
18 believe that the schedule extension requested herein will facilitate a more productive
19 mediation. Accordingly, the parties have reserved October 18 (subject to the Court's
20 approval) to conduct a full day mediation before Judge Infante.

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25 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject
26 to the Court's approval:
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28

STIPULATION AND ORDER
Case No.: 3:16-cv-02421-WHO

- 2 -

1 1. The private ADR deadline is continued from April 29, 2017 to October 27,
2 2017;

3 2. The Further Case Management Conference is continued from May 16, 2017 to
4 November 14, 2017; and,

5 3. The current schedule through certification is vacated, and the following
6 schedule is adopted:
7

8 Motion for class certification to be filed: April 20, 2018
9 Opposition to be filed: June 15, 2018
10 Reply to be filed: July 27, 2018
11 Hearing on motion to certify: August 15, 2018 at 2:00 p.m.

12 Dated: April 25, 2017

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22 Dated: April 25, 2017

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STIPULATION AND ORDER
Case No.: 3:16-cv-02421-WHO

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General Order 45, Section X Certification

The filing attorney hereby certifies that concurrence in the filing of the document has been obtained from each signatory, in accordance with N.D. Cal. Gen. Order 45, Section X(B).

* * *

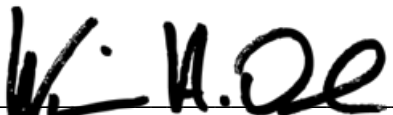
[PROPOSED] ORDER

Having reviewed the parties' Joint Stipulation and [Proposed] Order to Continue ADR Completion Date and Modify Schedule Through Class Certification Hearing, and good cause appearing, IT IS HEREBY ORDERED THAT:

1. The private ADR deadline is continued from April 29, 2017 to October 27, 2017;
2. The Further Case Management Conference is continued from May 16, 2017 to November 14, 2017; and,
3. The current schedule through certification is vacated, and the following schedule is adopted:

Motion for class certification to be filed:	April 20, 2018
Opposition to be filed:	June 15, 2018
Reply to be filed:	July 27, 2018
Hearing on motion to certify:	August 15, 2018 at 2:00 p.m.

Dated: April 27, 2017


The Honorable William H. Orrick
United States District Judge