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VICKY MALDONADO and JUSTIN CARTER

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

17 VICKY MALDONADO AND JUSTIN
18 CARTER, individually and on behalf of
themselves and all others similarly situated,

19 Plaintiffs,

20 v.

21 APPLE INC., APPECARE SERVICE
22 COMPANY, INC., and APPLE CSC INC.,

23 Defendants.

Case No. 3:16-cv-04067-WHO

Related Case:

English v. Apple Inc. et al.

Case No. 3:14-cv-01619-WHO

**STIPULATION AND ORDER
SETTING BRIEFING SCHEDULE ON
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
COORDINATING THE HEARINGS
FOR SUMMARY JUDGMENT AND
CLASS CERTIFICATION**

[N.D. CAL. L.R. 6-2]

Judge: William H. Orrick
Courtroom: 2, 17th Floor

Complaint Filed: July 20, 2016
Trial Date: April 20, 2020

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1 Pursuant to Civil Local Rule 6-2, Plaintiffs Vicky Maldonado and Justin Carter and
2 Defendants Apple Inc., AppleCare Service Company, Inc., and Apple CSC Inc., by and through
3 their respective counsel, stipulate as follows:

4 WHEREAS, Plaintiffs' motion for class certification (ECF No. 103) is set to be heard by
5 the Court on May 15, 2019 at 2 p.m.;

6 WHEREAS, Defendants intend to file a motion for summary judgment on Plaintiffs'
7 individual claims on April 8, 2019, which is the same day that Defendants' opposition to
8 Plaintiffs' motion for class certification is due;

9 WHEREAS, no briefing schedule regarding Defendants' forthcoming summary judgment
10 motion has previously been set by the Court;

11 WHEREAS, due to overlapping issues between Defendants' motion for summary
12 judgment and Plaintiffs' motion for class certification, including specifically with respect to the
13 named Plaintiffs' claims, Defendants propose coordinating the hearings on the two motions,
14 which will yield efficiencies for both the Court and the parties;

15 WHEREAS, Plaintiffs do not oppose coordinating the hearings on the two motions;

16 WHEREAS, on March 7, 2019, Defendants requested the parties agree to a summary
17 judgment briefing schedule that would allow both the class certification motion and the summary
18 judgment motion to be heard on May 15 (Mayo Decl. ¶ 2; Kras Decl. ¶ 2);

19 WHEREAS, between March 7 and March 27, the parties met and conferred regarding
20 various potential briefing schedules for Defendants' motion for summary judgment (Mayo Decl.
21 ¶ 3; Kras Decl. ¶ 3);

22 WHEREAS, under the current class-certification briefing schedule, Plaintiffs have three
23 weeks to draft a reply to their pending motion for class certification, and their counsel has
24 existing commitments in other cases during that same time-period (Kras Decl. ¶ 5);

25 WHEREAS, Plaintiffs state that any proposed briefing schedule with a May 15 hearing
26 date would require them to respond to the summary judgment motion and draft their class
27 certification reply simultaneously and will not give them sufficient time to draft their opposition
28 to Defendants' motion for summary judgment (Kras Decl. ¶ 6);

1 WHEREAS, the parties agree, subject to the Court's approval, to continue the hearing on
2 Plaintiffs' motion for class certification to July 24, 2019, at 2 p.m., and to set the following
3 briefing schedule on Defendants' motion for summary judgment:

4 Event	Deadline
5 Motion for summary judgment	April 8, 2019
6 Opposition	June 10, 2019
7 Reply	July 10, 2019

8 WHEREAS, with respect to Plaintiffs' motion for class certification, the proposed
9 schedule above changes only the hearing on that motion, and does not change the briefing
10 schedule;

11 WHEREAS, the hearing on Plaintiffs' motion for class certification has been modified
12 previously four times (ECF Nos. 76, 88, 92, 94);

13 WHEREAS, the parties are mindful of the prior continuances in this case, and while they
14 have explored shorter briefing schedules, those schedules each posed significant scheduling
15 conflicts (Mayo Decl. ¶ 4; Kras Decl. ¶ 4);

16 WHEREAS, the parties have tried to resolve the case in good faith before submitting this
17 stipulation regarding the summary judgment briefing schedule and requesting a new class
18 certification hearing date, including attending two mediation sessions before the Honorable
19 Justice Panelli (JAMS);

20 WHEREAS, this stipulation is not being made for delay or any other improper purpose;

21 THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's
22 approval, that the hearing on Plaintiffs' motion for class certification (ECF No. 103) is continued
23 to July 24, 2019 at 2 p.m., and the schedule on Defendants' motion for summary judgment, is set
24 as follows:

25 Event	Deadline
26 Motion for summary judgment	April 8, 2019
27 Opposition	June 10, 2019
28 Reply	July 10, 2019

Event	Deadline
Hearing on summary judgment and class certification motions	July 24, 2019, 2 p.m.

DATED: March 27, 2019

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Steve W. Berman
Steve W. Berman

*Attorneys for Plaintiffs
Vicky Maldonado and Justin Carter*

DATED: March 27, 2019

MORRISON & FOERSTER LLP

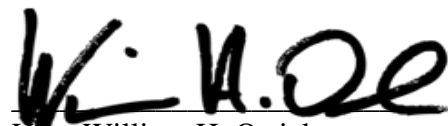
By /s/ Purvi G. Patel
Purvi G. Patel

*Attorneys for Defendants
Apple Inc., AppleCare Service Company, Inc.,
and Apple CSC Inc.*

PURSUANT TO STIPULATION, IT IS SO ORDERED as modified below:

The hearing on the motions for summary judgment and class certification will be held on August 7, 2019 at 2 p.m. The change in the hearing date will not adjust the briefing schedule to which the parties have agreed.

Date: March 29, 2019



Hon. William H. Orrick
United States District Judge

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ECF ATTESTATION

I, Purvi G. Patel, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Steve W. Berman, counsel of record for Plaintiffs, has concurred in this filing.

Dated: March 27, 2019

MORRISON & FOERSTER LLP

By: /s/ Purvi G. Patel
Purvi G. Patel

*Attorneys for Defendants
Apple Inc., AppleCare Service Company,
Inc., and Apple CSC Inc.*