

1 Michael B. Shortnacy (SBN 277035)
 mshortnacy@kslaw.com
 2 Livia Kiser (CA SBN 285411)
 lkiser@kslaw.com
 3 KING & SPALDING LLP
 633 West Fifth Street
 4 Suite 1700
 Los Angeles, California 90071
 5 Telephone: (213) 443-4355
 Facsimile: (213) 443-4310

6 Andrew Chinsky (*pro hac vice*)
 7 KING & SPALDING LLP
 444 W. Lake Street
 8 Suite 1650
 Chicago, Illinois 60606
 9 Telephone: (312) 995-6333
 Facsimile: (312) 995-6330

10 Attorneys for Defendant
 11 AMERICAN HONDA MOTOR CO., INC.

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

16 Lindsey Aberin, et al.,
 17 Plaintiffs,
 18 vs.
 19 American Honda Motor Co., Inc., et al.,
 20 Defendants.

Case No. 3:16-cv-04384-JTS

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING AMENDED
 SCHEDULE FOR EXPERT DISCOVERY
 AND BRIEFING RELATED TO
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION**

21
 22
 23
 24
 25
 26
 27
 28

1 Plaintiffs Lindsay and Jeff Aberin, Don Awtrey, Charles Burgess, John Kelly, Joy Matza,
2 and Yun-Fe Lou (collectively, “Plaintiffs”) and Defendant American Honda Motor Co., Inc.
3 (“AHM,” and with Plaintiffs, the “Parties”), by and through their respective counsel, hereby
4 propose the following amended schedule to govern the litigation through completion of briefing
5 related to Plaintiffs’ Motion for Class Certification. In support thereof, the Parties state as follows:

6 1. Pleadings closed on May 28, 2018, when AHM filed its Answer to Plaintiffs’ Third
7 Amended Class Action Complaint (ECF No. 149). The Court subsequently entered an order setting
8 the schedule for pretrial events through briefing related to Plaintiffs’ motion for class certification
9 on February 28, 2019, based on a schedule proposed by the Parties, which set a June 14, 2019,
10 deadline for opening experts reports (ECF No. 182).

11 2. During the case management conference held June 12, 2019, the Parties stipulated
12 to Plaintiffs having until June 28, 2019 to submit their opening expert reports. Plaintiffs advised
13 the Court that they anticipated having four experts (which was previously unknown to AHM), and
14 the Parties advised the Court that they would likely seek an amendment to the schedule to account
15 for the stipulated two-week extension.

16 3. On June 28, 2019, Plaintiffs served reports from a proposed economic expert, a
17 proposed survey expert, and two proposed technical experts.

18 4. On July 19, 2019, AHM sent Plaintiffs a proposed extension to the expert discovery
19 schedule.

20 5. On July 30, 2019, Plaintiffs responded to AHM’s proposed extension and informed
21 AHM that they wanted to reserve the right to serve reply reports in response to AHM’s rebuttal
22 reports. AHM has no objection to Plaintiff’s request to serve reply reports, provided that sufficient
23 time is afforded for the Parties to take depositions of, potentially, eight (8) proposed expert
24 witnesses (four (4) for Plaintiffs, and up to four (4) for AHM), all of which will occur following
25 the deadline for Plaintiffs’ reply reports.

26 6. After subtracting the two week extension already granted to Plaintiffs, the proposed
27 schedule below extends the Schedule of Pretrial Events approved by the Court on February 28,
28

1 2019, by approximately three months, in order to: (a) provide AHM sufficient time to prepare up
2 to four rebuttal reports; (b) provide Plaintiffs an opportunity to prepare up to four reply reports;
3 (c) provide both Parties adequate time to prepare for and depose up to eight proposed expert
4 witnesses; and (d) account for Thanksgiving and the winter holidays.

5 7. The Parties respectfully submit that this adjustment is warranted due to the
6 extension already granted to Plaintiffs (ECF No. 192), the number expert reports that will be
7 served, and the related need to conduct eight expert depositions. Two of AHM's experts also have
8 prior work engagements that prevent them from being to work on this matter until late August.

9 8. The Parties have also discussed whether, in the interest of efficiency and possible
10 resolution, it makes to hold an ADR session in advance of briefing on class certification.
11 Contemporaneously with this Stipulation, the Parties are filing a Fifth Amended Stipulation and
12 [Proposed] Order extending the deadline to hold a private ADR session to January 31, 2020. The
13 extension requested herein by the Parties will afford the Parties sufficient time to hold such an
14 ADR session if they agree that such a session would be beneficial at that time.

15 9. As neither Party wishes the other to suffer prejudice as a result of not being able to
16 address the issues on the merits, for good cause shown, the Parties respectfully request that the
17 following amended schedule be approved by the Court:

Event	Current Date	Proposed Date
Opening Expert Reports	June 28, 2019	n/a
Defendant's Rebuttal Reports	September 13, 2019	October 25, 2019
Plaintiff's Reply Reports	n/a	November 15, 2019
Close of Expert Discovery	October 4, 2019	January 10, 2020
Motion for Class Certification	October 25, 2019	February 7, 2020
Class Certification Opposition	December 6, 2019	March 13, 2020
Class Certification Reply	January 10, 2020	April 10, 2020

24 10. Finally, the Parties anticipate that any *Daubert* motions will be submitted by AHM
25 with their Class Certification Opposition and by Plaintiffs with their Class Certification Reply.
26 Oppositions to such motions, if any are filed, will be due within four weeks, with any replies in
27 further support due within three weeks thereafter.

1 WHEREFORE, the Parties respectfully request the Court enter the revised schedule as set
2 forth above. The Parties respectfully request such other, further relief this Court deems proper.

3
4 DATED: August 8, 2019

Respectfully Submitted,

5 KING & SPALDING LLP

SEEGER WEISS LLP

6 By: /s/ Liva M. Kiser
Livia M. Kiser (SBN 285411)
7 Email: lkiser@kslaw.com
KING & SPALDING LLP
8 444 West Lake Street, Suite 1650
Chicago, IL 60606
9 Tel: (312) 995-6333
Facsimile: 312 995 6330

By: /s/ Christopher A. Seeger
Christopher A. Seeger, *Admitted Pro Hac Vice*
Email: cseeger@seegerweiss.com
Stephen A. Weiss, *Admitted Pro Hac Vice*
Email: sweiss@seegerweiss.com
Scott Alan George, *Admitted Pro Hac Vice*
Email: sgeorge@seegerweiss.com
55 Challenger Road, 6th Fl.
Ridgefield Park, New Jersey 07660
Telephone: (212) 584-0700
Facsimile: (212) 584-0799

10 *Counsel for American Honda Motor*
11 *Co., Inc.*

James E. Cecchi, *Admitted Pro Hac Vice*
Email: jcecchi@carellabyrne.com
12 CARELLA, BYRNE, CECCHI, OLSTEIN,
13 BRODY & AGNELLO, P.C.
5 Becker Farm Road
14 Roseland, New Jersey 07068
15 Telephone: (973) 994-1700
Facsimile: (973) 994-1744

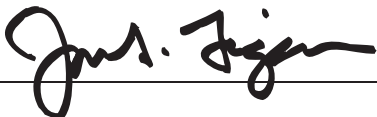
16 *Counsel for Plaintiffs and the Proposed Classes*

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

~~PROPOSED~~ ORDER

IT IS ORDERED that the Amended Schedule for Expert Discovery and Briefing Related to Plaintiffs' Motion for Class Certification, filed with the Court on July 16, 2019, is APPROVED.

DATED: August 13, 2019



TIGAR, J.