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19 *Counsel for Plaintiffs*

20 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 21 **SAN FRANCISCO DIVISION**

23 SHERIDA JOHNSON, ET AL., individually and on
 behalf of all others similarly situated

24 Plaintiffs,

25 v.

26 NISSAN NORTH AMERICA, INC.

27 Defendant.
 28

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Counsel for Defendant Nissan North America, Inc.

Case No.: 3:17-cv-00517-WHO

STIPULATED MOTION AND
[PROPOSED] ORDER TO EXTEND
BRIEFING DEADLINES

Corrected TAC: March 29, 2018

**STIPULATION AND [~~PROPOSED~~] ORDER TO EXTEND
BRIEFING DEADLINES**

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2 1. Pursuant to L.R. 6-2, Plaintiffs Sherida Johnson, Subrina Seenarain, Chad Loury,
3 Linda Spry, Lisa Sullivan, and April Ahrens (“Plaintiffs”) and Defendant Nissan North America,
4 Inc. (“NNA”) (collectively, the “Parties”), respectfully request that the Court extend the briefing
5 deadlines for Defendant’s motions to exclude (ECF Nos. 149, 150, 151) as set forth below, and for
6 the Court to continue the August 25, 2021 hearing on Plaintiffs’ motion for class certification (ECF
7 No. 129), so that all motions are considered together. The deadline for Plaintiffs to file their reply
8 in support of class certification, which is currently set for August 2, 2021, would remain unchanged.

9 2. Under the current scheduling order, Plaintiffs’ motion for class certification and
10 expert disclosures was due on February 17, 2021, Defendant’s response and expert disclosures was
11 due on June 14, 2021 and Plaintiffs’ reply and rebuttal reports are due on August 2, 2021. ECF No.
12 129. A hearing on the motion for class certification is set for August 25, 2021. ECF No. 129.

13 3. On February 17, 2021, Plaintiffs timely filed their motion for class certification and
14 expert disclosures. ECF No. 135.

15 4. On June 14, 2021, Defendant timely filed their opposition and expert disclosures.
16 ECF No. 147. Contemporaneous with that filing, Defendant’s also filed three separate motions to
17 exclude Plaintiffs’ experts, each of which relies, in part, on the opinions of Defendant’s own
18 experts. ECF Nos. 149, 150, 151.

19 5. Plaintiffs’ current deadline to respond to the motions to exclude is June 29, 2021,
20 and Defendant’s time to reply is July 6, 2021. The hearing on the motions to exclude is set to occur
21 on August 25, 2021.

22 6. The Parties respectfully request extension of the briefing schedule on the motions to
23 exclude and of the August 25, 2021 hearing on all motions. To fully respond to the motions to
24 exclude, Plaintiffs will need to depose Defendant’s four experts. The parties have coordinated these
25 depositions, and they are tentatively scheduled for July 9, July 13, July 14, and July 16. Following
26 completion of the depositions, Plaintiffs will then need time to obtain and analyze the transcripts,
27 consult with their own experts, and integrate the testimony into their responses. The proposed
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1 extended briefing schedule will not meaningfully delay the resolution of this case and will allow
2 the parties to better address the complex and highly technical subject matter involved.

3 7. Amending the briefing schedule to allow Plaintiff to depose Defendant's experts,
4 with a commensurate extension of the deadline for Defendant to file its replies, will serve the
5 interests of the parties and judicial efficiency. Likewise, adjournment of the August 25, 2021
6 hearing date will serve to streamline all issues, time and expense.

7 8. Five other extensions of the class certification briefing schedule have been entered in
8 this matter. ECF Nos. 95, 103, 112, 121, 124 and 129.

9 9. Following the entry of the Court's last extension, the Parties have been diligently
10 undertaking class discovery, timely filing and briefing the motion for class certification, and
11 working cooperatively to complete the depositions of Plaintiffs' experts.

12 10. In addition, the Parties are coordinating discovery and class certification deadlines with
13 a companion case filed in the Western District of Washington, *Lohr, et al. v. Nissan N. Am., Inc.*,
14 Case No. 2:16-cv-01023 RSM. The Parties in *Lohr* intend to seek a similar extension to the briefing
15 schedule, thus continuing to manage the cases in the most efficient manner.

16 11. If this Court and the *Lohr* court approve these requests, then the two cases will continue
17 to remain on parallel tracks if a resolution is not reached prior to class certification.

18 12. For the above reasons, the Parties stipulate and submit that good cause exists to extend
19 the deadlines in this matter as set forth below and respectfully request that the Court enter an order
20 as follows:

Event	Deadline	Proposed Deadline
Deadline for Plaintiffs to file their reply and rebuttal expert disclosures and reports on their motion for class certification	August 2, 2021	August 2, 2021
Deadline for Plaintiffs to file their oppositions to NNA's Motions to Exclude	June 29, 2021	August 13, 2021
Deadline for NNA to file replies in support of its Motions to Exclude	July 6, 2021	September 3, 2021
Class Certification and Motions to Exclude Hearing	August 25, 2021	September 29, 2021, or as set by the Court

1 IT IS SO STIPULATED.

2 Dated: June 28, 2021

Respectfully submitted,

3 By: /s/ An V. Truong
4 On Behalf of Plaintiffs

By: /s/ Holly Pauling Smith
On Behalf of Defendant

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22 *Attorneys for Plaintiffs*

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ATTESTATION OF CONCURRENCE

Pursuant to L.R. 5-1(i), I attest that concurrence in the filing of this document has been obtained from the other signatories.

By: /s/ An V. Truong
An V. Truong (*pro hac vice*)
SIMMONS HANLY CONROY LLP


PROPOSED ORDER

Pursuant to the Parties' stipulation, the Court hereby orders that deadlines in this matter be extended as follows:

Event	Deadline	Proposed Deadline
Deadline for Plaintiffs to file their reply and rebuttal expert disclosures and reports on their motion for class certification	August 2, 2021	August 2, 2021
Deadline for Plaintiffs to file their oppositions to NNA's Motions to Exclude	June 29, 2021	August 13, 2021
Deadline for NNA to file replies in support of its Motions to Exclude	July 6, 2021	September 3, 2021
Class Certification and Motions to Exclude Hearing	August 25, 2021	September 29, 2021

IT IS SO ORDERED.

Dated: June 29, 2021


UNITED STATES DISTRICT JUDGE
HONORABLE WILLIAM H. ORRICK

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CERTIFICATE OF SERVICE

The undersigned certifies that on this 28th day of June 2021, a copy of the above was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of the filing to all counsel of record.

/s/ An V. Truong
An V. Truong (*pro hac vice*)
SIMMONS HANLY CONROY LLP