

1 MICHAEL F. RAM, SBN 104805
 2 mram@forthepeople.com
 3 MARIE N. APPEL, SBN 187483
 4 mappel@forthepeople.com
 5 MORGAN & MORGAN
 6 COMPLEX LITIGATION GROUP
 7 711 Van Ness Avenue, Suite 500
 8 San Francisco, CA 94102
 9 Telephone: (415) 358-6913
 10 Facsimile: (415) 358-6923

11 JEFFREY B. CEREGHINO, SBN 99480
 12 jbc@cereghinolaw.com
 13 CEREGHINO LAW GROUP LLP
 14 649 Mission Street, Floor 5
 15 San Francisco, CA 94105
 16 Telephone: (415) 433-4949

17 W. CRAIG BASHEIN, Admitted Pro Hac Vice
 18 JOHN P. HURST, Admitted Pro Hac Vice
 19 BASHEIN & BASHEIN CO., L.P.A.
 20 Terminal Tower
 21 35th Floor, 50 Public Square
 22 Cleveland, Ohio 44113
 23 Telephone: (216) 771-3239

Attorneys for Plaintiffs and Proposed Class

SANFORD L. MICHELMAN, ESQ. (SBN 179702)
 smichelman@mrllp.com
 DAVID F. HAUGE, ESQ. (SBN 128294)
 dhauge@mrllp.com
 MARC R. JACOBS, ESQ. (SBN 185924)
 mjacobs@mrllp.com
 MICHELMAN & ROBINSON, LLP
 10880 Wilshire Boulevard, 19th Floor
 Los Angeles, CA 90024
 Tel: (310) 299-5500
 Fax: (310) 299-5600

MONA Z. HANNA, ESQ. (SBN 131439)
 mhanna@mrllp.com
 VINCENT S. LOH, ESQ. (SBN 238410)
 vloh@mrllp.com
 MICHELMAN & ROBINSON, LLP
 17901 Von Karman Avenue, 10th Floor
 Irvine, CA 92614
 Tel: (714) 557-7990
 Fax: (714) 557-7991

Attorneys for the NG Defendants

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 EDD KING, DIEDRE KING, and ELMO
 19 SHEEN, SHEILA LEE, on behalf of themselves
 20 and all others similarly situated,

Plaintiffs,

v.

22 NATIONAL GENERAL INSURANCE
 23 COMPANY, NATIONAL GENERAL
 24 ASSURANCE COMPANY, INTEGON
 25 NATIONAL INSURANCE COMPANY,
 26 INTEGON PREFERRED INSURANCE
 27 COMPANY, MIC GENERAL INSURANCE
 CORPORATION, PERSONAL EXPRESS
 INSURANCE COMPANY, SEQUOIA
 INSURANCE COMPANY, and DOES 1
 through 200, inclusive,

Defendants.

Case No.: 4:15-cv-00313-DMR
 Hon. Donna M. Ryu

**JOINT STIPULATION TO EXTEND THE
 DEADLINE TO FILE A JOINT
 DISCOVERY LETTER ON THE ISSUE OF
 POLICYHOLDER DATA AND TO
 AMEND THE SCHEDULING ORDER;
~~PROPOSED~~ ORDER ***AS
 MODIFIED*****

Complaint Filed: January 22, 2015

**JOINT STIPULATION TO EXTEND THE DEADLINE TO FILE A JOINT DISCOVERY LETTER ON THE
 ISSUE OF POLICYHOLDER DATA AND TO AMEND THE SCHEDULING ORDER; ~~PROPOSED~~ ORDER**

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to Federal Rule of Civil Procedure 6(b) and Civil Local Rules 6-1(b), 7-12, and 16-
3 2, Plaintiffs EDD KING, DIEDRE KING, ELMO SHEEN, and SHEILA LEE (collectively
4 hereinafter “Plaintiffs”), Defendants NATIONAL GENERAL INSURANCE COMPANY (“NGIC”),
5 NATIONAL GENERAL ASSURANCE COMPANY (“NGAC”), INTEGON NATIONAL
6 INSURANCE COMPANY (“INIC”), INTEGON PREFERRED INSURANCE COMPANY
7 (“IPIC”), MIC GENERAL INSURANCE CORPORATION (“MIC”), and PERSONAL EXPRESS
8 INSURANCE COMPANY (“PEIC”) (collectively hereinafter the “NG Defendants”), and SEQUOIA
9 INSURANCE COMPANY (“Sequoia”) hereby do jointly stipulate and agree, by and through their
10 counsel of record, as follows (Plaintiffs, the NG Defendants, and Sequoia are hereinafter collectively
11 referred to as the “Parties”):

12 1. WHEREAS, on February 9, 2023, the Court issued its Civil Law and Motion Minute
13 Order (Dkt. #251) (“February 9 Order”), which issued rulings on the four joint discovery letter briefs
14 filed on December 22, 2022 (Dkt. ##239-242), and Plaintiffs’ Motion for Order Continuing Case
15 Management Dates and Allowing Additional Depositions (Dkt. #244);

16 2. WHEREAS, regarding the Fourth Joint Discovery Letter (Dkt. #251), the February 9
17 Order ordered, *inter alia*, as follows: (1) Plaintiffs and the NG Defendants were to “meaningfully
18 meet and confer regarding policyholder data for 2011 forward”; (2) the NG Defendants were to
19 “provide Plaintiffs with basic information about the data exists, as well as where and how it is kept”;
20 (3) Plaintiffs were permitted to “take Rule 30(b)(6) deposition(s) of [the NG Defendants] regarding
21 these issues before seeking production of the actual policyholder datasets” and (4) If any disputes
22 remained “as to the burden on [the NG Defendants] to produce this data, [Plaintiffs and the NG
23 Defendants could] file a joint discovery letter on that issue by no later than 3/13/23.”

24 3. WHEREAS, pursuant to the February 9 Order, Plaintiffs and the NG Defendants met
25 and conferred on February 15, 2023 regarding Plaintiffs’ requests for information pertaining to the
26 policy systems, policy data available, agent information, and agent information available;

1 4. WHEREAS, pursuant to the February 9 Order, the NG Defendants provided Plaintiffs
2 with basic information about the data exists, as well as where and how it is kept, in an email dated
3 February 22, 2023;

4 5. WHEREAS, pursuant to the February 9 Order, on March 7, 2023, Plaintiffs took a
5 30(b)(6) deposition regarding the foregoing data issues;

6 6. WHEREAS, on March 10, 2023, Plaintiffs and the NG Defendants met and conferred
7 again regarding the foregoing data issues but are now at an impasse;

8 7. WHEREAS, to allow Plaintiffs and the NG Defendants sufficient time to brief the
9 issues related to the alleged burden on the NG Defendants to produce the foregoing data, Plaintiffs
10 and the NG Defendants have agreed to extend the deadline to file a joint discovery letter brief on the
11 issue of policyholder data from March 13, 2023 to March 17, 2023;

12 8. WHEREAS, this is the first request by the Parties to extend the briefing deadline on
13 the foregoing data issues;

14 9. WHEREAS, regarding the Third Joint Discovery Letter (Dkt. #251), the February 9
15 Order ordered Plaintiffs and the NG Defendants to “meaningfully meet and confer with respect to
16 the depositions of Doug Hanes, Brenda Castellanos, and Byron Storms” (the “Apex Depositions”);

17 10. WHEREAS, Plaintiffs and the NG Defendants have met and conferred regarding the
18 Apex Depositions and, as a result, have reached mutual agreement on the time limits and parameters
19 of their depositions such that their depositions will proceed;

20 11. WHEREAS, in order to accommodate the schedules of the witnesses involved, the
21 Apex Depositions cannot be completed by the current fact discovery cut-off date of April 3, 2023;

22 12. WHEREAS, the Parties agree the discovery deadline and all subsequent deadlines in
23 the scheduling order should be extended by 30 days in order to complete the fact depositions already
24 noticed or requested (including the Apex Depositions) and the Rule 30(b)(6) depositions of the NG
25 Defendants.

26 NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to Court approval, that the
27 below deadlines be extended as follows:
28

Event	Current Date	Proposed Date
Deadline to file joint discovery letter on the issue of policyholder data	3/13/2023	3/17/2023
Close of fact discovery	4/3/2023	5/3/2023
File class certification motion	5/8/2023	6/8/2023
Opposition to class certification motion	6/29/2023	7/29/2023
Reply re class certification	8/14/2023	9/14/2023
Plaintiffs' expert witness disclosure	8/17/2023	9/17/2023
Defendants' expert witness disclosure	9/14/2023	10/14/2023
Rebuttal expert disclosures due	10/12/2023	11/12/2023
Expert discovery cut-off	12/14/2023	1/14/2024
Last day for hearing dispositive motions	2/8/2024	3/8/2024

Dated: March 12, 2023

Respectfully Submitted,

By: /s/ Michael F. Ram
Michael F. Ram, SBN 104805
mram@forthepeople.com
Marie N. Appel, SBN 187483
mappel@forthepeople.com
Morgan & Morgan
Complex Litigation Group
711 Van Ness Avenue, Suite 500
San Francisco, CA 94102
Telephone: (415) 358-6913
Facsimile: (415) 358-6923

Jeffrey B. Cereghino, SBN 99480
jbc@cereghinolaw.com
CEREGHINO LAW GROUP LLP
649 Mission Street, Floor 5
San Francisco, CA 94105
Telephone: (415) 433-4949

1 W. Craig Bashein, Esq. (*admitted pro hac vice*)
cbashein@basheinlaw.com
2 John P. Hurst, Esq. (*admitted pro hac vice*)
jhurst@basheinlaw.com
3 BASHEIN & BASHEIN CO., L.P.A.
Terminal Tower, 35th Floor
4 50 Public Square
Cleveland, Ohio 44113
5 Telephone: (216) 771-3239
Facsimile: (216) 781-5876

6 Attorneys for Plaintiffs and Proposed Class

7
8 Dated: March 12, 2023

Respectfully Submitted,

9
10 By: /s/ Marc R. Jacobs
Sanford L. Michelman, Esq. (SBN 179702)
smichelman@mrlp.com
11 David F. Hauge, Esq. (SBN 128294)
dhauge@mrlp.com
12 Marc R. Jacobs, Esq. (SBN 185924)
mjacobs@mrlp.com
13 MICHELMAN & ROBINSON, LLP
10880 Wilshire Boulevard, 19th Floor
14 Los Angeles, CA 90024
Tel: (310) 299-5500
15 Fax: (310) 299-5600

16
17 Mona Z. Hanna, Esq. (SBN 131439)
mhanna@mrlp.com
18 Vincent S. Loh, Esq. (SBN 238410)
vloh@mrlp.com
19 MICHELMAN & ROBINSON, LLP
17901 Von Karman Avenue, Suite 1000
20 Irvine, CA 92614
Tel: (714) 557-7990
21 Fax: (714) 557-7991

22 Attorneys for Defendants
23 NATIONAL GENERAL INSURANCE
COMPANY, NATIONAL GENERAL
24 ASSURANCE COMPANY, INTEGON
NATIONAL INSURANCE COMPANY,
25 INTEGON PREFERRED INSURANCE
COMPANY, MIC GENERAL INSURANCE
26 CORPORATION, and PERSONAL EXPRESS
INSURANCE COMPANY
27
28

1 Dated: March 12, 2023

Respectfully Submitted,

2 By: /s/ Tamiko A. Dunham
3 Tamiko A. Dunham, Esq. (SBN 233455)
4 tdunham@nicolaidesllp.com
5 Alison V. Lippa, Esq. (SBN 160807)
6 alippa@nicolaidesllp.com
7 NICOLAIDES FINK THORPE
8 MICHAELIDES SULLIVAN LLP
9 101 Montgomery Street, Suite 2300
10 San Francisco, CA 94104
11 Tel: (415) 745-3770

12 By: /s/ James Boland
13 James Boland, Esq. (*admitted pro hac vice*)
14 jboland@freeborn.com
15 Verona Sandberg, Esq. (*admitted pro hac vice*)
16 vsandberg@freeborn.com
17 FREEBORN & PETERS LLP
18 311 South Wacker Drive, Suite 3000
19 Chicago, IL 60606
20 Tel: (312) 360-6000

21 Attorneys for Defendant
22 SEQUOIA INSURANCE COMPANY
23
24
25
26
27
28

ATTESTATION

I, Marc R. Jacobs, am the ECF user whose identification and password are being used to file this Joint Stipulation and [Proposed] Order. In compliance with the ECF manual and the Civil Local Rules, I hereby attest that each of the other signatories concur in the filing of this Joint Stipulation and [Proposed] Order.

Dated: March 12, 2023

By: /s/ Marc R. Jacobs
 Marc R. Jacobs

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 ***AS MODIFIED***

THE COURT, HAVING READ THE FOREGOING STIPULATION AND CONSIDERED THE SAME, AND GOOD CAUSE APPEARING THEREFORE, IT IS HEARBY ORDERED AS FOLLOWS:

The current case deadlines are extended as follows:

Event	Current Date	Proposed Date
Deadline to file joint discovery letter on the issue of policyholder data	3/13/2023	3/17/2023
Close of fact discovery	4/3/2023	5/3/2023
File class certification motion	5/8/2023	6/8/2023
Opposition to class certification motion	6/29/2023	7/29/2023
Reply re class certification	8/14/2023	9/14/2023
Plaintiffs' expert witness disclosure	8/17/2023	9/17/2023
Defendants' expert witness disclosure	9/14/2023	10/14/2023
Rebuttal expert disclosures due	10/12/2023	11/12/2023
Expert discovery cut-off	12/14/2023	1/14/2024
Last day for hearing dispositive motions	2/8/2024	3/8/2024

3/14/2024

IT IS SO ORDERED.

DATE: March 14, 2023


UNITED STATES DISTRICT COURT
CHIEF MAGISTRATE JUDGE DONNA M. RYU