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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 SHAUNA BARNARD, an individual, on behalf)
 16 of herself and all others similarly situated, all)
 17 other aggrieved employees, and on behalf of the)
 18 general public,)
 19 Plaintiff,)
 20 v.)
 21 COREPOWER YOGA LLC, a Colorado)
 22 Limited Liability Company, and DOES 1)
 23 through 50, inclusive,)
 24 Defendants.)

Case No.: 4:16-03861 (HSG)
JOINT STIPULATION AND ~~PROPOSED~~
ORDER RE: MODIFICATION OF CASE
SCHEDULE
NO HEARING REQUESTED
 Judge: Hon. Haywood S. Gilliam, Jr.

24 WHEREAS, this matter was removed from the Alameda County Superior Court (Case No.
 25 RG16814083) on July 8, 2016, Defendant CorePower Yoga LLC (“CPY” or “Defendant”)
 26 declined to proceed before a magistrate judge on July 21, 2016, the matter was reassigned to the
 27 Hon. Haywood S. Gilliam, Jr. for all proceedings on July 28, 2016, counsel for the parties

1 conducted an initial Rule 26(f) conference on September 16, 2016, and initial disclosures were
2 exchanged on October 4, 2016;

3 WHEREAS, the parties attended a Case Management Conference in this matter on October
4 11, 2016 and, thereafter, on November 16, 2016, the Court ordered the current case schedule, as
5 follows:

- 6 • Filing of Class Certification Motions: July 28, 2017
- 7 • Disclosure deadline for class certification experts: May 12, 2017
- 8 • Disclosure deadline for rebuttal class certification experts: June 2, 2017
- 9 • Class certification expert discovery cutoff: June 30, 2017;

10 WHEREAS, Plaintiff served Requests for Production of Documents on Defendant on
11 November 10, 2016 and Special Interrogatories on November 14, 2016, and Defendant served its
12 responses to Plaintiff's Requests for Production of Documents and related documents on December
13 21, 2016, and to Plaintiff's Special Interrogatories on December 27, 2016;

14 WHEREAS the Parties disagree over the completeness of the foregoing discovery
15 responses, and plan to meet and confer for the purpose of resolving their dispute if this action is not
16 otherwise informally resolved;

17
18 WHEREAS, in December 2016, Plaintiff noticed the deposition of Defendant pursuant to
19 F.R.C.P. 30(b)(6) on thirteen (13) categories/deposition topics, to take place on January 6, 2017;

20 WHEREAS, Defendant served written objections to Plaintiff's noticed deposition topics on
21 January 5, 2017, notified Plaintiff that Defendant would not be designating or producing a witness
22 at the January 6 deposition for some of the noticed deposition topics, and offered to meet and
23 confer (a) regarding the scope of certain objectionable topics, and (b) for the purpose of identifying
24 additional persons knowledgeable to testify with respect to those topics;

25
26 WHEREAS, the parties attended a Settlement Conference before Hon. Elizabeth D. Laporte
27 on January 11, 2017, which ended without reaching a settlement;

1 WHEREAS, subsequent to the January 11, 2017 settlement conference, Defendant agreed
2 to provide additional information and documents to support certain representations made at the
3 Settlement Conference that the parties believed could facilitate settlement of the matter and,
4 thereafter, engaged in further settlement discussions;

5 WHEREAS, in light of the agreement to continue settlement discussions and in good faith,
6 Plaintiff agreed to Defendant's request to postpone meet-and-confer and/or enforcement efforts
7 with respect to (a) Plaintiff's written discovery; and (b) Plaintiff's deposition notice pursuant to
8 F.R.C.P. 30(b)(6);

9 WHEREAS, Defendant agreed to toll any deadline for Plaintiff to bring any motions related
10 to the above-identified discovery disputes during the pendency of the parties' settlement
11 discussions;

12 WHEREAS, Defendant provided additional information pertinent to their settlement
13 discussions on March 2, 2017;

14 WHEREAS, Plaintiff's counsel informed Defendant on March 3, 2017 that he felt the
15 additional information fell short of what Plaintiff had requested, and that Plaintiff believed
16 additional information and documents were necessary to continue settlement discussions;

17 WHEREAS, on March 7, 2017 and March 9, 2017, Plaintiff requested availability from
18 Defendant's counsel for a meet and confer teleconference regarding the above-referenced
19 discovery disputes. On March 9, 2017, Defendant's counsel responded that she was preparing for
20 trial and would respond shortly;

21 WHEREAS, on March 13, 2017, Plaintiff's counsel sent written detail to Defendant
22 delineating and discussing the discovery disputes at issue and reiterating Plaintiff's request to meet
23 and confer regarding the disputes;

24 WHEREAS, on March 15, 2017, Defendant's lead counsel advised Plaintiff that she would
25 be in trial until at least early April 2017, agreed to provide additional information to facilitate
26 possible settlement, and requested that the parties defer litigation of their discovery disputes and
27 toll any deadlines for Plaintiff to bring any motion(s) to compel during the pendency of their
28

1 settlement discussions;

2 WHEREAS, on March 22, 2017, in order to allow more time for Defendant to provide the
3 promised additional information and documents to facilitate settlement and also allow the parties to
4 engage in such continued settlement discussions without concurrently increasing the costs of
5 litigation, Defendant's counsel offered to stipulate to a continuance of the deadline for filing class
6 certification motions;

7 WHEREAS, the parties have agreed to engage in further settlement discussions in an effort
8 to informally resolve this matter, and believe that continuing the date by which class certification
9 motions must be filed, as well as all related case schedule dates, for at least ninety (90) days, would
10 facilitate settlement efforts and, if necessary, allow sufficient time for the parties to complete meet
11 and confer efforts, pursue formal motion(s) to compel, and complete any additional discovery
12 necessary prior to litigating the class certification issue;

13
14 WHEREAS, the parties have not previously sought an extension of any dates set by the
15 Court in this matter, including the deadline to file class certification motions;

16 WHEREAS, no other case deadlines have been set by the Court;

17 WHEREAS, given the parties' agreement to engage in further settlement discussions
18 subsequent to Defendant providing additional information and documents that may facilitate
19 informal resolution of this matter, and given that the parties have also met and conferred regarding
20 new case schedule dates, including the date by which class certification motions must be filed;

21
22 NOW THEREFORE, the parties, by and through their undersigned counsel, stipulate and
23 agree, and request the Court to order, the following modifications to the current case schedule:

- 24 • Disclosure deadline for class-certification experts: **August 25, 2017**
- 25 • Disclosure deadline for rebuttal class-certification experts: **September 15, 2017**
- 26 • Class certification expert discovery cutoff: **October 13, 2017.**
- 27 • Filing of Class Certification Motions: **November 10, 2017**

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IT IS SO STIPULATED,

Dated: April 4, 2017

By: /s/ Ramon A. Miyar
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Dated: April 4, 2017

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~~PROPOSED~~ ORDER MODIFYING CASE SCHEDULE

Pursuant to the parties' Joint Stipulation for Modification of Case Schedule, dated April 4, 2017 (the "Joint Stipulation"), and good cause appearing therefor, **IT IS HEREBY ORDERED** that the Case Schedule set forth in the Court's Case Schedule Order of November 16, 2016 is hereby modified as follows:

- Disclosure deadline for class certification experts: **August 25, 2017**
- Disclosure deadline for rebuttal class certification experts: **September 15, 2017**
- Class certification expert discovery cutoff: **October 13, 2017.**
- Filing of Class Certification Motions: **November 10, 2017**

IT IS SO ORDERED.

Dated: April 5, 2017



Haywood S. Gilliam, Jr.