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***Attorneys for Defendant*****UNITED STATES DISTRICT COURT****NORTHERN DISTRICT OF CALIFORNIA**

MIKE MADANI, ROMSIN OUSHANA and  
JOHN CHESS on behalf themselves and all  
others similarly situated,

Plaintiffs,

vs.

VOLKSWAGEN GROUP OF AMERICA,  
INC.

Defendants.

Case No. 4:17-cv-07287-HSG

**STIPULATION AND ORDER  
SETTING SCHEDULE FOR CASE  
THROUGH CLASS  
CERTIFICATION**

Courtroom: 2

Judge: Haywood S. Gilliam, Jr.

Pursuant to this Court's Order dated August 8, 2019, Dkt. No. 84, Plaintiffs and Defendant Volkswagen Group of America, Inc. (collectively, the "Parties") enter into this stipulation jointly proposing the following schedule through class certification:

Event	Deadline
Defendant's response to Plaintiffs' Third Amended Complaint due:	September 23, 2019
Close of Class Certification Discovery (including any merits discovery overlapping with class certification discovery) by:	September 11, 2020
Plaintiffs' class certification motion and exchange of any expert reports on the issues pertaining to class certification due:	September 11, 2020
Depositions of Plaintiffs' class certification experts to be completed:	October 12, 2020
Defendant's opposition to class certification motion and exchange of any expert reports on the issues pertaining to class certification due:	November 11, 2020
Depositions of Defendant's class certification experts to be completed:	December 11, 2020
Plaintiffs' reply brief in support of class certification due:	January 7, 2021
Hearing on Plaintiffs' class certification motion:	January 21, 2021

The Parties propose that setting any other dates at this time is premature until the Court has ruled on Plaintiffs' anticipated motion for class certification. The Parties therefore propose that the scheduling of all further dates, including deadlines pertaining to the conducting/completion of merits fact and expert discovery (including expert reports and depositions), motions for summary judgment and/or other relief, motions in limine, and any other discovery, motions or proceedings, be deferred until after the Court has issued its decision on Plaintiffs' anticipated class certification motion. The

1 Parties respectfully submit that the Court's ruling on class certification may have a significant  
2 impact upon this action including the substance and scope of further discovery.

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4 **IT IS SO STIPULATED.**

5  
6 Dated: August 26, 2019

**SIMMONS HANLY CONROY LLC**

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8 By: /s/ Mitchell M. Breit

9 MITCHELL M. BREIT  
10 Attorneys for Plaintiffs

11 Dated: August 26, 2019

**HERZFELD & RUBIN, P.C.**

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14 By: /s/ Michael B. Gallub

15 MICHAEL B. GALLUB  
16 Attorneys for Defendant  
17 VOLKSWAGEN GROUP OF AMERICA, INC.  
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**ATTESTATION UNDER LOCAL RULE 5-1(i)(3)**

I, Craig L. Winterman, am the ECF User whose ID and password are being used to file this  
**STIPULATION AND PROPOSED ORDER SETTING SCHEDULE FOR CASE THROUGH  
CLASS CERTIFICATION.**

In compliance with Local Rule 5-1(i)(3), I hereby attest that Mitchell M. Breit, counsel for  
Plaintiffs, has concurred in this filing.

Dated: August 26, 2019

**HERZFELD & RUBIN, LLP**

By: /s/ Craig L. Winterman  
CRAIG L. WINTERMAN  
Attorneys for Defendant  
VOLKSWAGEN GROUP OF AMERICA, INC.

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**ORDER**

Pursuant to the Parties' stipulation, the Court hereby orders as follows:

1. Defendant's response to Plaintiffs' Third Amended Complaint shall be due by **September 23, 2019.**
2. Class Certification Discovery (including any merits discovery overlapping with class certification discovery) shall be completed by **September 11, 2020.**
3. Plaintiffs' class certification motion and exchange of any expert reports on the issues pertaining to class certification shall be due by **September 11, 2020.**
4. Depositions of Plaintiffs' class certification experts shall be completed by **October 12, 2020.**
5. Defendant's opposition to class certification motion and exchange of any expert reports on the issues pertaining to class certification shall be due by **November 11, 2020.**
6. Depositions of Defendant's class certification experts shall be completed by **December 11, 2020.**
7. Plaintiffs' reply brief in support of class certification shall be due by **January 7, 2021.**
8. Hearing on Plaintiffs' class certification motion will be held on **January 21, 2021.**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 8/27/2019

  
HON. HAYWOOD S. GILLIAM, JR.  
United States District Judge