

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

1 Stephen G. Blicht (SBN 70193)  
Julia C. Butler (SBN 199133)  
2 REED SMITH LLP  
1999 Harrison Street, Suite 2400  
3 Oakland, CA 94612-3572

4 **Mailing Address:**  
P.O. Box 2084  
5 Oakland, CA 94604-2084

6 Telephone: 510.763.2000  
Facsimile: 510.273.8832

7 Kathy A. Wisniewski (appearance *pro hac vice*)  
8 John W. Rogers (appearance *pro hac vice*)  
Elizabeth Teutenberg Ferrick (appearance *pro*  
9 *hac vice*)  
BRYAN CAVE LLP  
10 211 N. Broadway, Suite 3600  
St. Louis, MO 63102

11 Telephone: 314.259.2000  
12 Facsimile: 314.259.2020

13 Attorneys for Defendant DaimlerChrysler  
Corporation

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA

18 STEPHEN SMITH, an individual, on behalf of  
himself and all others similarly situated,

19 Plaintiff,

20 vs.

21 LITHIA DC, INC., a corporation,  
22 DAIMLERCHRYSLER CORPORATION, a  
corporation, and Does One through Twenty,

23 Defendants.  
24

Case No. C06-07287 TEH

**JOINT STIPULATION OF CLASS  
DISCOVERY SCHEDULE AND  
PROPOSED ORDER**

Honorable Thelton E. Henderson

25  
26 As agreed at the Initial Case Management Conference on March 26, 2007, Plaintiff Stephen  
27 Smith, Defendant DaimlerChrysler Corporation, and Defendant Lithia DC, Inc., hereby stipulate that  
28

1 they will adhere to the following discovery schedule which shall apply to all proceedings until the  
2 Court issues its ruling on Plaintiff's motion for class certification:

3  
4 1. The parties shall not commence class certification discovery until after the Rule 26(f)  
5 conference. After such date, discovery shall be limited to class certification issues and  
6 prerequisites — including full discovery on the named plaintiff's individual claims.

7  
8 2. The parties anticipate that, at the class certification stage, Plaintiff will require no  
9 more than 10 depositions of fact witnesses; DCC will require no more than ten depositions of fact  
10 witnesses; and Lithia will require no more than ten deposition of fact witness. The depositions will  
11 commence after the Rule 26(f) conference and will be completed on or before September 14, 2007.

12  
13 3. Plaintiff shall identify his expert witness(es), if any, on class certification issues and  
14 provide Rule 26(a)(2)(B) reports for those experts on or before July 16, 2007, and DCC and Lithia  
15 shall complete depositions of such experts on or before August 16, 2007.

16  
17 4. DCC and Lithia shall identify their expert witness(es), if any, on class certification  
18 issues and provide Rule 26(a)(2)(B) reports for those experts on or before August 27, 2007, and  
19 Plaintiff shall complete depositions of such experts on or before September 27, 2007.

20  
21 5. The parties shall work in good faith to schedule fact and any expert depositions at  
22 mutually agreeable places, dates and times.

23  
24 6. The parties must file motions to join additional parties on or before May 14, 2007.

25  
26 7. The parties must file motions to amend the pleadings on or before July 16, 2007.

1           8.       Plaintiff shall file his brief in support of class certification together with all  
2 supporting affidavits and all other evidence on or before November 19, 2007.

3  
4           9.       DCC and Lithia shall file their briefs in opposition to class certification together with  
5 all supporting affidavits and all other evidence on or before December 19, 2007.

6  
7           10.      Plaintiff shall file his reply brief in support of class certification on or before  
8 January 14, 2008.

9  
10          11.      At the January 28, 2008 case management conference, the Court will schedule a  
11 hearing on the class certification motion.

12  
13          12.      If the Court denies certification, the Court will set a scheduling conference promptly  
14 thereafter to establish deadlines for the completion of discovery and trial for the individual action of  
15 the named-plaintiff.

16  
17          13.      If the Court grants class certification as to any part of the action, then counsel for the  
18 parties shall meet and confer about all issues concerning notice and shall present their joint plan for  
19 notice to the Court. If they are unable to agree, counsel shall simultaneously file their respective  
20 positions on any issue concerning notice.

21  
22          14.      After rendering its decision as to class certification and notice, the Court will set a  
23 further scheduling conference to address the completion of discovery.

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25          15.      The Court may modify this Scheduling Order, including at the request of any party  
26 hereto, upon good cause.

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DATED: April 11, 2007.

REED SMITH LLP

By Stephen G. Blicht  
Stephen G. Blicht  
Julia C. Butler

BRYAN CAVE LLP  
Kathy A. Wisniewski (appearance *pro hac vice*)  
John W. Rogers (appearance *pro hac vice*)  
Elizabeth Teutenberg Ferrick (appearance *pro hac vice*)

Attorneys for Defendant DaimlerChrysler Corporation

LEACH, McGREEVY & LABRADOR LLP

By Peter C. Labrador (SBN 66507)  
Peter C. Labrador (SBN 66507)  
Brian Leach (SBN 244744)  
2833 Laguna Street  
San Francisco, CA 94123  
Telephone: 415.775.4455  
Facsimile: 415.775.7435

Attorneys for Defendant Lithia DC, Inc.

CALIFORNIA LEMON LAWYERS

By Scott R. Kaufman  
Scott R. Kaufman  
Kevin Faulk  
1400 Coleman Ave, Suite F21  
Santa Clara, CA 95050  
Telephone: 408.727.8882  
Facsimile: 408.727.8883

Attorneys for Plaintiff Stephen Smith

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DATED: \_\_\_\_\_, 2007.

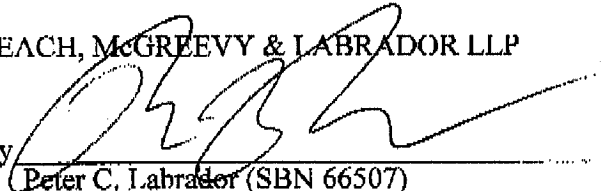
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By \_\_\_\_\_  
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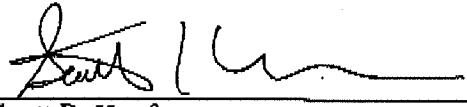
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San Francisco, CA 94123  
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Scott R. Kaufman  
Kevin Faulk  
1400 Coleman Ave, Suite F21  
Santa Clara, CA 95050  
Telephone: 408.727.8882  
Facsimile: 408.727.8883

Attorneys for Plaintiff Stephen Smith

**[PROPOSED] ORDER**

The parties' Joint Stipulation of Class Discovery Schedule is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order.

DATED: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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