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Roy A. Katriel (SBN 265463)
THE KATRIEL LAW FIRM
4225 Executive Square, Suite 600
La Jolla, California 92037
Telephone: (858) 242-5642
Facsimile: (858) 430-3719
e-mail: rak@katriellaw.com

*Counsel for Plaintiff Patrick Dang and
Michael Villa*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PATRICK DANG AND MICHAEL VILLA, On
Behalf of Themselves And All Others Similarly
Situated,

Plaintiffs,

v.

SAN FRANCISCO FORTY-NINERS, LTD., et.
al.,

Defendants.

CASE NO. 5:12-cv-05481-EJD

**PLAINTIFFS' UNOPPOSED
MISCELLANEOUS ADMINISTRATIVE
REQUEST TO AMEND CLASS
CERTIFICATION BRIEFING
DEADLINES AND HEARING
DATE, AND ~~PROPOSED~~ ORDER**

Judge: Hon. Edward J. Davila

1 Plaintiffs Patrick Dang and Michael Villa, by their undersigned counsel, hereby file this
2 **Unopposed** Miscellaneous Administrative Request To Amend The Class Certification Briefing
3 Deadlines and Hearing Date previously entered as part of the Court's April 1, 2014 Order [Dkt.
4 No. 54]. Plaintiffs' counsel has conferred with counsel for all Defendants, and they have
5 represented that **they do not oppose this request**. In support of this Miscellaneous
6 Administrative Request, Plaintiffs state as follows:

7 1. On April 1, 2014, the Court entered an Order [Dkt. No. 54] in the above-entitled
8 action that called for: Plaintiff Patrick Dang (then the only named plaintiff) to file his class
9 certification motion on or before June 17, 2014; Defendants to file their class certification
10 opposition briefs on or before August 28, 2014; and, Plaintiff to file any reply brief in support of
11 his motion for class certification motion on or before September 25, 2014;

12 2. The Order set Plaintiff's anticipated motion for class certification for a hearing on
13 August 8, 2014 at 9:00 am;

14 3. The parties have propounded written discovery requests and interrogatories, exchanged
15 initial disclosures, and agreed on a mediator to preside over their elected private Alternative
16 Dispute Resolution option;

17 4. On March 19, 2014, the parties filed a Stipulation for the entry of a Protective Order
18 regarding the production of confidential documents and information [Dkt. No. 49]. The Stipulated
19 Protective Order, however, was not entered by the Court until May 20, 2014 [Dkt. No. 63].

20 5. Because the overwhelming majority of the document production called for by the
21 written discovery propounded on Defendants by Plaintiff Patrick Dang entailed documents that
22 Defendants deemed to be confidential in nature (in many instances because they were subject to a
23 protective order in another suit or other third-party confidentiality restrictions), such documents
24 could not be produced to Plaintiff's counsel until after the Protective Order was entered
25 approximately 3 weeks ago;

26 6. Since the entry of the Protective Order on May 20, 2014, Plaintiff's counsel has

1 received extensive discovery from all Defendants, containing thousands of documents, and is still
2 in the process of reviewing that discovery. The latest such production was served on Plaintiff's
3 counsel on June 9, 2014 (4 days ago) via overnight mail.

4 7. On June 10, 2014, by leave of Court, Plaintiff's counsel filed a First Amended
5 Complaint [Dkt. No. 66] to add an additional plaintiff class representative, Michael Villa.

6 8. Plaintiffs' counsel will require a reasonable amount of time to review the document
7 production made by Defendants since the May 20, 2014 entry of the Protective Order, so as to
8 make a proper factual investigation, consult with his experts, and incorporate pertinent portions of
9 that discovery in any class certification brief. The current class certification briefing schedule,
10 however, would require Plaintiffs to file their class certification brief within 4 days (and within 3
11 weeks or less of first receiving Defendants' document production).

12 9. Counsel for all the parties have conferred and agreed, subject to the Court's approval,
13 to further amend the class certification briefing and hearing deadlines and to incorporate certain
14 terms and conditions as part of their agreement;

15 10. This is the second modification of the class certification briefing schedule being
16 sought by Plaintiff Patrick Dang, with the first having been sought prior to the Court's entry of the
17 Stipulated Protective Order. It is the first such request made by newly added plaintiff Michael
18 Villa.

19 As a result of the foregoing, Plaintiffs Patrick Dang and Michael Villa file this **Unopposed**
20 Miscellaneous Administrative Request, seeking the following relief:

- 21 1. The filing deadline for Plaintiffs' motion for class certification shall be and hereby is
22 postponed until and including September 9, 2014;
- 23 2. The deadline for Defendants' filing of any opposition or response to Plaintiffs' motion
24 for class certification shall be and hereby is postponed until and including November
25 26 25, 2014;

- 1 3. The deadline for Plaintiffs to file any reply in support of their motion for class
2 certification shall be and hereby is postponed until and including December 15, 2014;
3
- 4 4. The hearing on Plaintiffs' motion for class certification shall be and hereby is
5 re-calendared calendared for January 9, 2015.
- 6 5. Plaintiffs' counsel further represents and agrees that, absent either prior consent of
7 all parties or prior leave of Court, neither the NFL Defendants collectively nor Reebok
8 shall be subject to more than 2 fact depositions each prior to the hearing on Plaintiffs'
9 class certification motion. For purposes of calculating: a single fact deposition shall
10 mean the deposition of a named and noticed individual; a 30(6) deposition lasting up to
11 7 hours shall be counted as a single deposition, and a 30(b)(6) deposition lasting longer
12 than 7 hours shall be counted as 2 depositions. In no event shall the 2 depositions of
13 Reebok exceed 14 hours nor shall the 2 depositions of the NFL exceed 14 hours, and in
14 no event shall the deposition of a named and noticed individual witness exceed 7
15 hours. Plaintiffs reserve the right to move for additional depositions for good cause
16 shown based on circumstances or events that could not reasonably be anticipated at this
17 time, and Defendants reserve the right to object to any particular deposition
18 requested.

19
20 Dated: June 13, 2014

/s/ Roy A. Katriel

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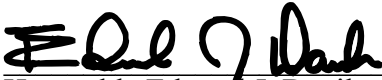
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For good cause show, IT IS SO ORDERED.

Dated: 6/24, 2014



Honorable Edward J. Davila
United States District Judge