

1 Michael F. Ram, CSB #104805  
 2 Email: mram@rocklawcal.com  
 3 RAM, OLSON, CEREGHINO  
 4 & KOPCZYNSKI LLP  
 5 555 Montgomery Street, Suite 820  
 6 San Francisco, California 94111  
 7 Telephone: (415) 433-4949  
 8 Facsimile: (415) 433-7311



9 [Additional Counsel Appear on Signature Page]

10 *Attorneys for Plaintiff and the Proposed Class*

11 UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

14 ALAN BRINKER, individually and on behalf  
 15 of all others similarly situated,

16 Plaintiff,

17 v.

18 NORMANDIN’S, a California corporation,  
 19 d/b/a NORMANDIN CHRYSLER JEEP  
 20 DODGE RAM, and ONECOMMAND, INC.,

21 Defendants.

NO. 5:14-cv-03007-EJD-HRL  
 AMENDED  
**STIPULATION AND [PROPOSED]  
 ORDER FOR EXTENSION OF  
 DEADLINES IN THE CASE  
 MANAGEMENT ORDER [ECF  
 DOCKET NO. 49] PURSUANT TO  
 LOCAL RULE 6-2**

JURY TRIAL DEMAND

HON. EDWARD J. DAVILA

Complaint Filed: July 1, 2014

DATE:

TIME:

LOCATION: Courtroom 4 – 5th Floor

**I. STIPULATION**

IT IS HEREBY STIPULATED AND AGREED TO BY AND BETWEEN THE  
 PARTIES AND THEIR COUNSEL OF RECORD AS FOLLOWS:

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF DEADLINES IN  
 THE CASE MANAGEMENT ORDER [ECF DOCKET NO. 49] PURSUANT TO  
 LOCAL RULE 6-2 - 1

CASE No. 5:14-cv-03007-EJD-HRL

1 WHEREAS, on December 12, 2014, this Court issued a Case Management Order (Dkt.  
2 No. 25). Plaintiff subsequently, on January 29, 2015, sought leave to file an Amended Class  
3 Action Complaint for Damages and Declaratory Relief, adding new defendant, OneCommand,  
4 Inc. (Dkt. No. 30). On February 12, 2015, Normandin filed a Notice of Non-Opposition and  
5 further sought leave to file a cross claim against OneCommand (Dkt. No. 32). This Court  
6 granted both requests for relief on March 9, 2015 (Dkt. No. 35).

7 WHEREAS, on May 26, 2015, this Court issued a Case Management Order (Dkt. No.  
8 49) extending the case deadlines. The parties continued to engage in discovery thereafter, but  
9 there have been delays in the Defendants' production of information in response to discovery,  
10 the Defendants' have requested a protective order, and the parties' submitted their request for  
11 resolution of their discovery disputes on August 20, 2015 (Dkt Nos. 60-62). The parties have  
12 continued to pursue discovery, but these discovery issues have not yet been resolved, and all  
13 parties anticipate more time will be needed to complete significant discovery, including  
14 depositions of witnesses in California, and perhaps in Ohio.

15 NOW THEREFORE, the parties hereby stipulate that the deadlines in the Case  
16 Management Order be extended as follows:

17	EVENT	CURRENT DEADLINE	PROPOSED NEW DEADLINE
18			
19	File Class Certification Motion	11/20/2015	3/4/2016
20	Response to Class Certification	1/19/2016	4/8/2016
21	Reply to Class Certification	2/18/2016	4/22/2016
22	Hearing on Class Certification Motion	3/17/2016, 9:00 a.m.	5/20/2016, at a time set by the Court
23			
24	Plaintiff's Designation of Opening Experts with Reports	11/20/2015	3/4/2016
25			
26	Defendants' Designation of Opening Experts with Reports	1/19/2016	4/8/2016
27			

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF DEADLINES IN  
THE CASE MANAGEMENT ORDER [ECF DOCKET NO. 49] PURSUANT TO  
LOCAL RULE 6-2 - 2

CASE NO. 5:14-cv-03007-EJD-HRL

EVENT	CURRENT DEADLINE	PROPOSED NEW DEADLINE
Designation of Rebuttal Experts with Reports	2/18/2016	5/12/2016
Expert Discovery Cutoff	3/3/2016	6/11/2016
Deadline discovery motions expert discovery	3/10/2016	6/16/2016
Fact Discovery Cutoff	3/17/2016	7/12/2016
Deadline discovery motions regarding fact discovery	3/24/2016	7/15/2016
Deadline file dispositive motions; Last day to file; contact courtroom deputy for actual hearing date	5/5/2016	8/5/2016
File Joint Preliminary Conference Statement	3/17/2016	9/15/2016
Preliminary Pretrial Conference	3/24/2016, 11:00 a.m.	9/22/2016, at a time set by the Court

IT IS SO STIPULATED.

RESPECTFULLY SUBMITTED AND DATED this 12th day of November, 2015.

TERRELL MARSHALL LAW GROUP PLLC BUSTAMANTE & GAGLIASSO, APC

By: /s/ Adrienne D. McEntee, Admitted  
Pro Hac Vice

Beth E. Terrell, CSB #178181  
Email: bterrell@terrellmarshall.com  
Mary B. Reiten, CSB #203412  
Email: mreiten@terrellmarshall.com  
Adrienne D. McEntee, *Admitted Pro Hac Vice*  
Email: amcentee@terrellmarshall.com  
Samuel J. Strauss  
Email: sstrauss@terrellmarshall.com  
A. Janay Ferguson, *Admitted Pro Hac Vice*  
Email: jferguson@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

By: /s/ Andrew V. Stearns, CSB #164849

Andrew V. Stearns, CSB #164849  
Email: astearns@boglawyers.com  
Robert B. Robards, CSB #166855  
Email: rrobards@boglawyers.com  
Gaurav D. Sharma, CSB #269123  
Email: gsharma@boglawyers.com  
River Park Tower  
333 West San Carlos Street, Suite 600  
San Jose, California 95110  
Telephone: (408) 977-1911  
Facsimile: (408) 977-0746

*Attorneys for Defendant Normandin's*

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF DEADLINES IN THE CASE MANAGEMENT ORDER [ECF DOCKET NO. 49] PURSUANT TO LOCAL RULE 6-2 - 3

CASE No. 5:14-cv-03007-EJD-HRL

1 Michael F. Ram, CSB #104805  
2 Email: mram@rocklawcal.com  
3 RAM, OLSON, CEREGHINO  
& KOPCZYNSKI LLP  
4 555 Montgomery Street, Suite 820  
5 San Francisco, California 94111  
6 Telephone: (415) 433-4949  
7 Facsimile: (415) 433-7311

8 Rob Williamson, *Admitted Pro Hac Vice*  
9 Email: roblin@williamslaw.com  
10 Kim Williams, *Admitted Pro Hac Vice*  
11 Email: kwilliams@williamslaw.com  
12 WILLIAMSON & WILLIAMS  
13 2239 West Viewmont Way, West  
14 Seattle, Washington 98199  
15 Telephone: (206) 295-3085

16 *Attorneys for Plaintiff and the Proposed Class*

17 KMK LAW

18 By: /s/ Steven C. Coffaro, Admitted Pro  
19 Hac Vice  
20 Steven C. Coffaro, *Admitted Pro Hac Vice*  
21 Email: scoffaro@kmklaw.com  
22 One East Fourth Street, Suite 1400,  
23 Cincinnati Ohio 45202  
24 Telephone: (513) 579-6400  
25 Facsimile: (513) 579-6457

26 Sean P. Flynn, SBN #220184  
27 Email: sflynn@gordonrees.com  
GORDON & REES, LLP  
2211 Michelson Drive, Suite 400  
Irvine, California 92612  
Telephone: (949) 255-6950  
Facsimile: (949) 255-2060

*Attorneys for Cross Defendant OneCommand,  
Inc.*

STIPULATION AND [PROPOSED] ORDER FOR EXTENSION OF DEADLINES IN  
THE CASE MANAGEMENT ORDER [ECF DOCKET NO. 49] PURSUANT TO  
LOCAL RULE 6-2 - 4

CASE No. 5:14-cv-03007-EJD-HRL

1 **II. LOCAL RULE 5-1(I)(3) STATEMENT**

2 Pursuant to Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this  
3 document has been obtained from counsel for all parties, and that I will maintain records to  
4 support this concurrence by all counsel subject to this stipulation as required under the local  
5 rules.

6 DATED this 12th day of November, 2015.

7 TERRELL MARSHALL LAW GROUP PLLC

8  
9 By: /s/ Adrienne D. McEntee, Admitted Pro Hac Vice  
10 Adrienne D. McEntee, *Admitted Pro Hac Vice*  
11 Email: amcentee@terrellmarshall.com  
12 936 North 34th Street, Suite 300  
13 Seattle, Washington 98103-8869  
14 Telephone: (206) 816-6603  
15 Facsimile: (206) 319-5450

16 *Attorneys for Plaintiff and the Proposed Class*

1 **III. [PROPOSED] ORDER**

2 Good cause appearing hereto, the Court issues the following Order: The deadlines in the  
3 Case Management Order shall be extended as follows:

4

5 <b>EVENT</b>	<b>CURRENT DEADLINE</b>	<b>PROPOSED NEW DEADLINE</b>
6 File Class Certification Motion	11/20/2015	3/4/2016
7 Response to Class Certification	1/19/2016	4/8/2016
8 Reply to Class Certification	2/18/2016	4/22/2016
9 Hearing on Class Certification Motion	3/17/2016, 9:00 a.m.	5/19/2016 at 9:00 AM
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1 IT IS SO ORDERED.

2 Plaintiff's Motion to Certify Class (Docket No. 50) is terminated without prejudice to being re-  
3 filed as outlined in the proposed schedule.

4 Dated: 11/13/2015

5   
6 UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Adrienne D. McEntee, hereby certify that on November 12, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Andrew V. Stearns, SBN #164849  
Email: [astearns@boglawyers.com](mailto:astearns@boglawyers.com)  
Robert B. Robards, SBN #166855  
Email: [rrobards@boglawyers.com](mailto:rrobards@boglawyers.com)  
Gaurav D. Sharma, SBN #269123  
Email: [gsharma@boglawyers.com](mailto:gsharma@boglawyers.com)  
BUSTAMANTE & GAGLIASSO, APC  
River Park Tower  
333 W. San Carlos St., Suite 600  
San Jose, California 95110  
Telephone: (408) 977-1911  
Facsimile: (408) 977-0746

*Attorneys for Defendant Normandin's*

Sean P. Flynn, SBN #220184  
Email: [sflynn@gordonrees.com](mailto:sflynn@gordonrees.com)  
GORDON & REES, LLP  
2211 Michelson Drive, Suite 400  
Irvine, California 92612  
Telephone: (949) 255-6950  
Facsimile: (949) 255-2060

Steven C. Coffaro, *Admitted Pro Hac Vice*  
Email: [scoffaro@kmklaw.com](mailto:scoffaro@kmklaw.com)  
KMK LAW  
One East Fourth Street, Suite 1400,  
Cincinnati Ohio 45202  
Telephone: (513) 579-6400  
Facsimile: (513) 579-6457

*Attorneys for Cross Defendant OneCommand, Inc.*

DATED this 12th day of November, 2015.



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TERRELL MARSHALL LAW GROUP PLLC

By: /s/ Adrienne D. McEntee, Admitted Pro Hac Vice  
Adrienne D. McEntee, *Admitted Pro Hac Vice*  
Email: amcentee@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603  
Facsimile: (206) 319-5450

*Attorneys for Plaintiff and the Proposed Class*