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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ROBERT A. NITSCH, et al.,
Plaintiffs,
v.
DREAMWORKS ANIMATION SKG INC.,
et al.,
Defendants.

Case No. 14-CV-04062-LHK
CASE MANAGEMENT ORDER

Attorney for Plaintiffs: Jordan Talge
Attorneys for Defendants Disney, Pixar, Lucasfilm, and Two Pic MC (formerly known as ImageMovers Digital): Emily Henn and Robert Van Nest
Attorneys for the Sony Defendants: Stephen Bomse and David Goldstein
Attorneys for Defendant DreamWorks Animation: Daniel Swanson and Shannon Mader
Attorney for Defendant Blue Sky Studios: Jonathan Pitt

A case management conference was held on December 9, 2015. A further case management conference is set for March 23, 2016 at 2:00 p.m. The parties shall file their joint case management statement by March 16, 2016.

- The Court set the following deadlines for the production of privilege logs:
- By December 16, 2015, Pixar and Lucasfilm shall produce the privilege logs from *In re High Tech*, No. 11-CV-2509-LHK.
 - By December 23, 2015, all Defendants shall produce privilege logs for the instant case, except each Defendant's privilege log shall not include any documents created, sent, or received after that Defendant's receipt of a Civil Investigative

1 Demand (“CID”) from the U.S. Department of Justice (“USDOJ”) or December 30,
2009, whichever is earlier.

- 2 • By January 11, 2016, each Defendant shall produce a privilege log for all
3 documents created, sent, or received after that Defendant’s receipt of a CID from
4 USDOJ or December 30, 2009, whichever is earlier. The privilege logs produced
5 by January 11, 2016 shall not include any documents created by, sent to, or
6 received from outside counsel.
- By February 12, 2016, Plaintiffs shall produce their privilege log.

6 The Court set the following deadlines for document production:

- 7 • By December 14, 2015, all Defendants shall have completed their document
8 production, including the production of spreadsheets.
- 9 • By December 16, 2015, Defendants shall produce the documents from *In re High
10 Tech* that are the subject of the pending motion to compel, ECF No. 171.
- 11 • By December 23, 2015, all Defendants shall produce any documents the
12 Defendants considered including on a privilege log but ultimately decided not to
13 include.
- 14 • By December 23, 2015, the parties shall agree to search terms for Plaintiffs’
15 production of documents in response to Defendants’ October 2015 document
16 requests.
- By January 15, 2016, Plaintiffs’ document production in response to Defendants’
17 October 2015 document requests shall be 75% complete.
- By January 22, 2016, Plaintiffs’ document production in response to Defendants’
18 October 2015 document requests shall be complete.
- By February 12, 2016, Plaintiffs shall produce any documents Plaintiffs considered
19 including on their privilege log but ultimately decided not to include.

16 The Court set the following deadlines for depositions:

- 17 • The parties shall schedule the deposition of the former Pixar employee witness for
18 the first half of January 2016.
- The parties shall schedule the deposition of the named Plaintiffs for the first half of
19 February 2016.

20 The parties and the Court have agreed that documents that the Court ordered sealed in *In re*
21 *High Tech* shall remain under seal in the instant case. If either party seeks to seal a document that
22 was ordered sealed in *In re High Tech*, the sealing motion shall identify the *In re High Tech*
sealing order’s docket number.

23 The parties and the Court further agreed that streamlined procedures for sealing motions
24 would be appropriate in the instant case. The Court proposes the following protocol for sealing
25 motions:

26 The parties shall file all administrative motions to file under seal as
27 joint motions. Prior to filing any such joint motions, counsel for
28 both parties must meet and confer to decide what information the
parties will request to file under seal.

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The parties shall file concurrent with the administrative motion to file under seal all necessary declarations establishing that the information sought to be sealed is sealable. For motions to file under seal relating to dispositive motions, the declarations shall set forth the “compelling reasons supported by specific factual findings” that the parties believe outweigh the general history of access and the public policies favoring disclosure. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). For motions to file under seal relating to nondispositive motions, the declarations shall set forth the “particularized” reasons that the parties believe that “specific prejudice or harm will result” if the information is disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir. 2002). If the document for which sealing is sought was ordered sealed in *In re High Tech*, the sealing motion shall identify the *In re High Tech* sealing order’s docket number. Except for the four day deadline for filing declarations, the parties shall also comply with all other requirements set forth in Civil Local Rule 79-5(d).

The parties have requested three business days to respond to the Court’s proposed protocol. The parties shall file a joint response to the Court’s proposed protocol by December 14, 2015.

The case schedule remains as follows:

Scheduled Event	Date
Further CMC	March 23, 2016 at 2 p.m.
Last day to amend pleadings/add parties	January 1, 2016
Class Certification briefing	Motion: February 1, 2016 Opposition: March 14, 2016 Reply: April 4, 2016
Class Certification hearing	May 5, 2016
Fact discovery cutoff	October 14, 2016
Opening expert reports	November 16, 2016
Rebuttal expert reports	December 21, 2016
Close of expert discovery	January 31, 2017
Motions for Summary Judgment and Daubert Motions	Filed no later than February 27, 2017
Hearing on MSJ and Daubert Motions	March 23, 2017 at 1:30 p.m.

IT IS SO ORDERED.

Dated: December 9, 2015

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Lucy H. Koh

LUCY H. KOH
United States District Judge