

THE HONORABLE RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

TAMARA LOHR and RAVIKIRAN SINDOGI,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

NISSAN NORTH AMERICA, INC., and
NISSAN MOTOR CO., LTD.,

Defendants.

NO. 2:16-cv-01023-RSM

**STIPULATED MOTION AND ORDER
TO FURTHER EXTEND BRIEFING
DEADLINES ON MOTIONS TO
EXCLUDE**

**NOTED FOR CONSIDERATION:
August 13, 2021**

I. STIPULATED MOTION

Plaintiffs Tamara Lohr and Ravikiran Sindogi and Defendant Nissan North America, Inc. respectfully request that the Court extend the briefing deadlines for Nissan’s motions to exclude Plaintiffs’ experts and set additional deadlines for Plaintiffs to seek leave to file rebuttal expert reports so Plaintiffs’ motion for class certification and both parties’ motions to exclude can be considered together. The Court has previously extended the extended the class certification briefing schedule on several occasions. Dkt Nos. 62, 70, 73, 75, 77, 79, and 129.

Plaintiffs assert that there is good cause to grant the parties’ motion. Plaintiffs intend to seek leave to submit rebuttal expert reports for two of their experts, Colin Weir and Steven Gaskin. Defendant intends to oppose submission of any rebuttal reports for reasons that include their untimeliness. If the Court grants leave to file rebuttal reports, Nissan may need to depose

1 those experts again and, if necessary, conduct additional expert work and, if necessary, seek to
2 submit amended motions to exclude.

3 The parties are also coordinating discovery and class certification deadlines in this
4 action with a companion case filed in the Northern District of California, *Johnson v. Nissan*
5 *North America, Inc.*, No. 3:17-cv-00517-WHO. The Court in *Johnson* granted an extension
6 similar to the one requested in this motion. *See* Stipulated Motion and Order to Extend Briefing
7 Deadlines, *Johnson v. Nissan North America, Inc.*, No. 3:17-cv-00517-WHO (N.D. Cal. Aug.
8 11, 2021), ECF No. 166.¹ Extending the deadlines in this matter may also facilitate the parties'
9 informal settlement discussions. The parties therefore stipulate and move the Court for an order
10 extending the briefing schedule on Nissan's motions to exclude as follows:

| EVENT | CURRENT DEADLINE | PROPOSED DEADLINE |
|--|------------------|-------------------|
| Deadline for Plaintiffs to file responses to Nissan's motions to exclude Plaintiffs' experts, proposed rebuttal expert reports | 08/13/2021 | 09/03/2021 |
| Deadline for Plaintiffs to file motion for leave to submit rebuttal expert reports | None | 09/03/2021 |
| Deadline for Nissan to file response to Plaintiffs' motion for leave to submit rebuttal expert reports | None | 9/24/2021 |
| Deadline for Plaintiffs to file reply in support of motion for leave to submit rebuttal expert reports | None | 10/5/2021 |
| Noting date for Plaintiffs' motion for leave to submit rebuttal expert reports | None | 10/5/2021 |

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26 ¹ Parties agree that nothing in either stipulation or agreement to extend the deadlines should be
27 construed as waiving or otherwise limiting Nissan's challenge to the permissibility or
timeliness of any further expert reports from Plaintiffs, rebuttal or otherwise.

| EVENT | CURRENT DEADLINE | PROPOSED DEADLINE |
|---|------------------|-------------------|
| Deadline for Nissan to file reply/supplemental briefs in support of motion to exclude reply up to 12 pages. | | 10/29/2021 |

STIPULATED TO AND DATED this 13th day of August, 2021.

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STIPULATED MOTION AND ORDER TO FURTHER
EXTEND BRIEFING DEADLINES ON MOTIONS TO
EXCLUDE - 3

CASE No. 2:16-cv-01023-RSM

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II. ORDER

IT IS SO ORDERED.

DATED this 13th day of August, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE