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U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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

Plaintiffs,

v.

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

Defendants.

NO. C16-1023 RSM

**STIPULATED MOTION AND ORDER
EXTENDING DEADLINES**

The parties respectfully request a six-month extension of the deadlines in this case. The parties have worked diligently and amicably to resolve numerous issues regarding the scope of discovery, production of electronically stored information, and the terms of the Stipulated Protective Order. Having resolved these disputes, the parties agree that a six-month extension of the deadlines in this matter is needed to complete class discovery, prepare for expert disclosure and class certification briefing, and coordinate discovery with related litigation pending in the Northern District of California.

I. RELEVANT BACKGROUND

On July 16, 2017, the Court adopted the case schedule the parties proposed in their Joint Status Report. Dkt. No. 47. The Court’s Scheduling Order set deadlines for class certification

1 briefing and expert disclosure and depositions, beginning with a May 25, 2018, deadline for
2 Plaintiffs to file a motion for class certification and serve expert disclosures and reports. *Id.*

3 This proposed class action involves allegations that panoramic sunroofs installed in seven
4 models of Nissan vehicles suffer from a uniform defect. The parties sought to streamline and
5 reduce the cost of discovery and engaged in extensive negotiations concerning the scope of
6 discovery, search terms and search-term proximity for production of electronically stored
7 information (“ESI”), and the terms of the Stipulated Protective Order and Order Regarding
8 Discovery of ESI. The parties met and conferred on numerous occasions over the course of
9 several months and were able to narrow their disputes to a single issue: whether Defendant Nissan
10 North America, Inc. (“NNA”) could redact certain unprivileged information prior to production.

11 On January 19, 2018, the parties filed their Proposed Stipulated Protective Order, Dkt.
12 No. 52, and Stipulation and Proposed Order regarding the Discovery of ESI, Dkt. No. 53, carving
13 out the issue of redaction for court resolution. On January 23, 2018, the parties jointly requested
14 an expedited resolution of the remaining dispute concerning pre-production redaction. The Court
15 ruled on the issue during a telephonic hearing conducted on February 1, 2018. Dkt No. 59.

16 With the deadlines for class certification quickly approaching, significant discovery
17 remains to be completed despite the parties’ cooperation and diligence. To date, the parties have
18 exchanged and responded to written discovery, Plaintiffs have produced documents, and NNA is
19 positioned to begin a rolling production of its documents based on the agreed-upon search terms
20 for electronically-stored information. Third-party discovery also is underway. In addition, the
21 parties are also coordinating discovery in this action with a companion case filed in the Northern
22 District of California, *Sherida Johnson et. al. v. Nissan N. Am., Inc., et al.*, Case No. 3:17-cv-
23 00517 (N.D. Cal. Filed Feb. 1, 2017). The parties have agreed that Nissan’s foreign parent,
24

1 Nissan Motor Co., Ltd. (which is not served in the underlying case) will produce its documents
2 once in the *Johnson* case and then those documents – subject to appropriate protection, including
3 compliance with the terms of the Protective Order in the *Johnson* case – may be used in this case
4 (despite the non-service of NML in this case). Of note, the *Johnson* case recently was impacted
5 by the transfer of a related case from the Eastern District of California (*Horne*). The *Johnson-*
6 *Horne* plaintiffs will file their consolidated third-amended complaint on March 16, 2018, to
7 which NNA will respond on April 6, 2018. These events in *Johnson* have delayed the start of
8 discovery, which in turn impacts the sharing of documents from that case in this case.

9 The parties will continue to work diligently and cooperatively to complete document
10 discovery, schedule depositions, and resolve any disputes that may arise promptly and without
11 court intervention. A six-month extension of the deadlines in this matter would facilitate the
12 coordination of discovery by more closely aligning the case schedule with *Johnson*. For these
13 reasons, the parties hereby stipulate and agree as follows.

14 II. STIPULATION

15 Whereas, significant discovery is still required for the parties to address class
16 certification, and given the parties’ desire to coordinate discovery with *Johnson*, the parties
17 respectfully request that the Court extend the deadlines in this matter as set forth below:

| 18 Event | Current Deadline | Proposed Deadline |
|--|------------------|-------------------|
| 19 Deadline to file Motion for 20 Class Certification and serve 21 Plaintiffs expert disclosures 22 and reports | May 25, 2018 | December 3, 2018 |
| 23 Deadline for Plaintiff to 24 produce experts for deposition | July 6, 2018 | January 11, 2019 |
| Deadline to file opposition to Motion for Class Certification and serve | August 6, 2018 | February 13, 2019 |

| | | | |
|---|---|--------------------|----------------|
| 1 | NNAs expert disclosures and reports | | |
| 2 | Deadline for NNA to produce experts for deposition | August 27, 2018 | March 6, 2019 |
| 3 | Deadline to file reply regarding Motion for Class Certification | September 10, 2018 | March 18, 2019 |

6 STIPULATED TO AND DATED this 27th day of March, 2018.

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III. ORDER

IT IS SO ORDERED this 28th day of March 2018.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE