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12 CHARLES TILLAGE and JOSEPH LOOMIS

Attorneys for Defendants
COMCAST CORPORATION and
COMCAST CABLE
COMMUNICATIONS, LLC

13 UNITED STATES DISTRICT COURT
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15 NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION

18 CHARLES TILLAGE and
19 JOSEPH LOOMIS,
20 Individually, As Private Attorneys General,
and On Behalf of All Others Similarly
21 Situated,

22 Plaintiffs,

23 v.

24 COMCAST CORPORATION; and
25 COMCAST CABLE
COMMUNICATIONS, LLC, and
DOES 1-20, inclusive

26 Defendants.
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Case No. 3:17-cv-06477-VC-DMR

**STIPULATION AND ~~PROPOSED~~
ORDER MODIFYING SCHEDULE**

1 Plaintiffs Charles Tillage and Joseph Loomis (together, “Plaintiffs”) and Defendants
2 Comcast Corporation and Comcast Cable Communications, LLC (together, “Comcast”), by and
3 through their undersigned counsel, respectfully submit this stipulation and proposed order
4 requesting that the existing schedule and deadlines in this case be continued by approximately
5 forty-five (45) days. As explained further below, the parties have been working diligently over
6 the past months to complete the discovery needed to brief class certification and for related expert
7 submissions. Completing that discovery, however, is taking somewhat longer than the parties had
8 anticipated, including due to certain delays associated with the COVID-19 virus, necessitating the
9 additional time requested.

10 WHEREAS, on July 6, 2020, at the joint request of the parties, the Court entered an Order
11 establishing a modified case schedule up to and including the hearing on Plaintiffs’ motion for
12 class certification (Dkt. 105);

13 WHEREAS, on August 20, 2020, at the joint request of the parties due to inadvertent
14 document production delays by Comcast, the Court entered an Order further modifying the case
15 schedule through class certification, extending the then-existing deadlines by approximately four
16 (4) weeks and establishing the current schedule (Dkt. 114; “August 20 Scheduling Order”).

17 WHEREAS, under the August 20 Scheduling Order, the deadline for the parties to
18 complete fact witness depositions for class certification is currently December 18, 2020, and the
19 remaining dates in the August 20 Scheduling Order follow that December 18, 2020 date (Dkt.
20 114);

21 WHEREAS, the parties have been working diligently over the past months to conduct the
22 discovery needed to brief class certification and for related expert submissions. Those efforts
23 have included, *inter alia*:

- 24 • Propounding and responding to multiple sets of written discovery requests, including requests
25 for production, interrogatories, and requests for admission.
- 26 • Ongoing production and review of tens of thousands of pages of documents produced in
27 response to the written discovery requests.
- 28 • Regular (approximately bi-weekly, and sometimes more frequent) meet and confer

1 teleconferences among counsel to resolve issues and disputes informally and without the need
 2 for Court intervention.

- 3 • Depositions of three Comcast employee witnesses and depositions of the two named
 4 plaintiffs.

5 WHEREAS, two to three additional Comcast employee witness depositions pursuant to
 6 Fed. R. Civ. P. 30(b)(1) are anticipated to be scheduled to occur in January, and certain further
 7 document and customer data productions related to class certification and the expert submissions
 8 which have been the subject of ongoing meet and confer between the parties, are anticipated to be
 9 completed by January 21, 2021;

10 WHEREAS, despite the parties' diligent efforts, completing the discovery needed for
 11 class certification and the related expert submissions is taking somewhat longer than the parties
 12 anticipated when they submitted their prior proposed schedule, including due to delays related to
 13 the COVID-19 virus. As a result, and in light of the intervening holiday season, the parties
 14 respectfully submit that an extension of approximately forty-five (45) days to the existing
 15 deadlines and schedule is reasonable and necessary, and have agreed to such extension subject to
 16 Court approval;

17 WHEREAS, as discovery and the case proceed, the parties will meet and confer regarding
 18 the scheduling of any dispositive motions, including any motions pursuant to Federal Rules of
 19 Civil Procedure 12(c) and 56;

20 THEREFORE, IT IS HEREBY STIPULATED by the parties through their respective
 21 counsel, and subject to the Court's approval, that the existing case schedule and deadlines are
 22 hereby modified as follows:

Event	Current Deadline	Proposed New Deadline
Fact witness depositions for class certification motion to be completed	December 18, 2020	January 21, 2021
Plaintiffs to serve any expert declarations in support of their motion for class certification	January 7, 2021	February 23, 2021
Plaintiffs' motion for class	February 11, 2021	April 1 March 25, 2021

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certification		
Depositions of Plaintiffs’ expert(s) in support of class certification to be completed	February 25, 2021	April 15, 2021
Comcast to serve any expert declarations in opposition to Plaintiffs’ motion for class certification	March 11, 2021	April 29, 2021
Comcast’s opposition to class certification	April 1, 2021	May 20 13, 2021
Depositions of Comcast’s expert(s) in opposition to class certification to be completed	April 15, 2021	June 3, 2021
Plaintiffs’ reply in support of class certification	May 13, 2021	July 1 June 24, 2021
Hearing on motion for class certification	June 3, 2021, 10:00 a.m.	July 22 , 15 2021, 10:00 a.m.

IT IS SO STIPULATED.

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Dated: December 18, 2020

Respectfully submitted,

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

By: /s/ Roger N. Heller

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Attorneys for Defendants,
COMCAST CORPORATION and
COMCAST CABLE COMMUNICATIONS, LLC

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION **AS MODIFIED**, IT IS SO ORDERED.

Date: December 23, 2020



Hon. Vince Chhabria
United States District Judge

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ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: December 18, 2020 /s/ Roger N. Heller

Roger N. Heller

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