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14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 CHRISTOPHER JULIAN, MARK PACANA,
18 PAUL FISKRATTI, and WAYNE LEWALD,
individually and on behalf of all others similarly
19 situated,

Plaintiffs,

v.

21 TTE TECHNOLOGY, INC., dba TTE USA
22 ASSETS, INC.,

Defendant.

CASE NO. 3:20-CV-02857-EMC

**JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
DEADLINE TO FILE MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Judge: Hon. Edward M. Chen
Crtrm: 5 – 17th Floor

1 Plaintiffs Mark Pacana, Paul Fiskratti, and Wayne Lewald (collectively, “Plaintiffs”)¹ and
2 Defendant TTE Technology Inc. dba TCL North America (“TCL”), by and through their
3 respective counsel of record, hereby stipulate and agree to the following, subject to Court
4 approval:

5 WHEREAS, Plaintiffs filed their Motion for Class Certification (Dkt. 86) (the “Motion”)
6 on August 27, 2021 and TCL filed its Opposition (Dkt. 102) on October 8, 2021;

7 WHEREAS, on October 15, 2021, the parties participated in a full day of mediation before
8 the Hon. Jay C. Gandhi (Ret.) of JAMS and reached a settlement in principle;

9 WHEREAS, on October 22, 2021, this Court granted the parties’ stipulation to vacate case
10 deadlines pending case settlement and set the deadline to file a motion for preliminary approval of
11 class settlement for December 6, 2021 (Dkt. 109);

12 WHEREAS, the parties are continuing to work in good faith on a final settlement
13 agreement, including collection of the information needed for class notice and claims
14 administration;

15 WHEREAS, the parties have conferred regarding a continuance of the deadline to file a
16 motion for preliminary approval of class settlement, and respectfully jointly request, pursuant to
17 Civil L.R. 6-2, that the Court continue the deadline to file a motion for preliminary approval of
18 class settlement to **January 28, 2022**.

19 WHEREAS, good cause exists for this request because the parties are working diligently
20 and in good faith on a final settlement agreement, but require additional time to finalize the
21 settlement agreement, including collection of information needed for class notice and claims
22 administration;

23 WHEREAS, the continuance of the deadline to file the motion for preliminary approval of
24 class settlement will neither prejudice the interests of the parties or the Court nor affect any other
25 dates set by the Court;

26
27 _____
28 ¹ Plaintiff Christopher Julian has withdrawn as a named plaintiff.

1 WHEREAS, the parties have sought three prior extensions in this matter in total: (i)
2 Plaintiffs extended TTE's deadline to respond to the Complaint by 45 days; (ii) TTE extended
3 Plaintiffs' deadline to oppose TCL's Motion to Dismiss the First Amended Complaint by one
4 business day, and TCL's deadline to file its reply brief by one business day; and (iii) the parties
5 previously extended the deadline to respond to Plaintiffs' Second Amended Complaint;

6 NOW, THEREFORE, pursuant to Civil L.R. 6-2, and subject to the approval of the Court,
7 the parties hereby stipulate and respectfully request that the Court continue the deadline to file a
8 motion for preliminary approval of class settlement, currently scheduled for December 6, 2021,
9 to **January 28, 2022**.

10
11 Dated: November 24, 2021

DLA PIPER LLP (US)

12
13 By: /s/Isabelle L. Ord²

14 ISABELLE L. ORD
15 CHRISTOPHER M. YOUNG
16 Attorneys for Defendant
17 TTE TECHNOLOGY, INC.

18
19 Dated: November 24, 2021

MILBERG COLEMAN BRYSON PHILLIPS
GROSSMAN, PLLC

20
21 By: /s/Alex R. Straus

22 ALEX R. STRAUS
23 WILLIAM A. LADNIER
24 GREG G. COLEMAN
25 ADAM EDWARDS
26 Attorneys for Plaintiffs
27 CHRISTOPHER JULIAN, MARK PACANA,
28 PAUL FISKRATTI, and WAYNE LEWALD

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² Pursuant to N.D. Cal. Civ. L.R. 5-1(i)(3), I hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

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~~PROPOSED~~ ORDER

Having considered the parties' Stipulation, and good cause appearing, the Court hereby GRANTS the parties' Stipulation. It is HEREBY ORDERED that:

1. The deadline to file a motion for preliminary approval of class settlement, currently scheduled for December 6, 2021, is rescheduled to **January 28, 2022**.

IT IS SO ORDERED.

DATED: November 29, 2021



The Honorable Edward M. Chen
United States District Judge