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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 TCL NORTH
22 AMERICA,

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 previously requested and the Court granted a continuance of the
13 deadline to file a motion for preliminary approval from December 6, 2021 to January 28, 2022
14 (Dkt. 111);

15 WHEREAS, the parties are continuing to work in good faith on a final settlement
16 agreement;

17 WHEREAS, the parties have conferred regarding a brief continuance of the deadline to file
18 a motion for preliminary approval of class settlement, and respectfully jointly request, pursuant to
19 Civil L.R. 6-2, that the Court continue the deadline to file a motion for preliminary approval of
20 class settlement by two weeks from January 28, 2022 to **February 11, 2022**.

21 WHEREAS, good cause exists for this request because the parties are working diligently,
22 cooperatively, and in good faith on a final settlement agreement, but require a brief additional
23 period of time to memorialize the settlement agreement and agree on the proposed notice and
24 proposed settlement funding dates;

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28 ¹ Plaintiff Christopher Julian has withdrawn as a named plaintiff.

1 WHEREAS, the short requested continuance of the deadline to file the motion for
2 preliminary approval of class settlement will neither prejudice the interests of the parties or the
3 Court nor affect any other dates set by the Court;

4 WHEREAS, the parties have sought four prior extensions in this matter in total: (i)
5 Plaintiffs extended TCL's deadline to respond to the Complaint by 45 days; (ii) TCL extended
6 Plaintiffs' deadline to oppose TCL's Motion to Dismiss the First Amended Complaint by one
7 business day, and TCL's deadline to file its reply brief by one business day; (iii) the parties
8 previously extended the deadline to respond to Plaintiffs' Second Amended Complaint; and (iv)
9 the Court previously extended the deadline to file a motion for preliminary approval to January 28,
10 2022 (Dkt. 111).

11 NOW, THEREFORE, pursuant to Civil L.R. 6-2, and subject to the approval of the Court,
12 the parties hereby stipulate and respectfully request that the Court continue the deadline to file a
13 motion for preliminary approval of class settlement, currently scheduled for January 28, 2022, by
14 two weeks to **February 11, 2022**.

15
16 Dated: January 20, 2022

DLA PIPER LLP (US)

17
18 By: /s/ Christopher M. Young²

19 ISABELLE L. ORD
20 CHRISTOPHER M. YOUNG
21 ALEXANDER E. WOLF
22 Attorneys for Defendant
23 TTE TECHNOLOGY, INC.

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27 _____
28 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.

1 Dated: January 20, 2022

CRUEGER DICKINSON LLC

2
3 By: /s/ Ben Kaplan

4 CHARLES J. CRUEGER

BEN KAPLAN

GREG G. COLEMAN

5 Attorneys for Plaintiffs

6 CHRISTOPHER JULIAN, MARK PACANA,

7 PAUL FISKRATTI, and WAYNE LEWALD

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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 January 28, 2022, is rescheduled to **February 11, 2022**.

IT IS SO ORDERED.

Dated: January 21, 2022



The Honorable Edward M. Chen
United States District Judge