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[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

Case No. 19-md-02913-WHO

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
AMENDED CASE/TRIAL SCHEDULE**

This Document Relates to:

ALL ACTIONS

1 Pursuant to the Court’s Civil Minutes following the February 19, 2021 Case Management
2 Conference (ECF No. 1441), the parties jointly stipulate and agree, subject to the Court’s approval,
3 to a modification of the case/trial schedule in this case in the form of the proposed order attached
4 hereto as **Exhibit A**.

5 WHEREAS, on September 9, 2020, the Court entered an Order Regarding Bellwether
6 Selection and Case/Trial Schedule. (ECF No. 938.) Since that time, the parties have engaged in
7 good faith and reasonable efforts to meet the deadlines and prepare the case consistent with the
8 dates set forth in that order.¹

9 WHEREAS, as the case has progressed, despite good faith and reasonable efforts to comply
10 with the schedule, the parties believe good cause exists to modify the current case schedule.

11 WHEREAS, on February 19, 2021, the Court granted “plaintiffs’ request to continue the
12 class certification suggestion schedule by six weeks and Altria’s suggestion that the related class
13 summary judgment and expert discovery deadlines should correspondingly be continued six
14 weeks.” (ECF No. 1441 at 1-2) The Court further directed the parties to “meet and confer regarding
15 modification of the schedule beyond that, based on concrete and actual due process concerns.” (*Id.*
16 at 2.)

17 WHEREAS, the parties have engaged in several good faith meet and confers, and agree that
18 good cause exists to modify in certain respects, including an overall modification of the case
19 schedule by approximately six weeks, as well as the addition or supplementation of certain case
20 sequencing or interim dates as introduced at the February 19, 2021 CMC.

21 WHEREAS, the parties believe the proposed modified case schedule attached hereto as
22 **Exhibit A** addresses certain concrete and due process concerns that have manifested over the course
23 of the past six months.

24 WHEREAS, in developing this schedule, the parties were cognizant of the Court’s
25 reluctance to continuing case management deadlines (ECF No. 14441 at 2) and its desire to
26 maintain the current first bellwether trial date of February 22, 2022 (ECF No. 938 at 5).

27
28 ¹ Some of the interim deadlines in the September 9, 2020 Order have, by agreement of the parties
and pursuant to orders of the Court, been modified or further detailed.

1 Accordingly, the proposed amended schedule maintains the first trial date of February 22, 2022
2 through aggressive and compressed time frames for both the parties' work, as well as the Court's
3 consideration and adjudication of dispositive and other motions.

4 WHEREAS, the parties are respectful of the Court's and its staff's time and resources.
5 Thus, while the parties have not proposed a modification of the trial date itself, they defer to the
6 Court on whether a modest extension of the trial date may be warranted.

7 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate,
8 agree and respectfully request that the Court enter an Order in the form as attached hereto as **Exhibit**
9 **A**, as may be modified and approved by the Court.

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Dated: February 26, 2020

Respectfully submitted,

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EXHIBIT A: [~~PROPOSED~~] ORDER**PURSUANT TO STIPULATION AND GOOD CAUSE SHOWING, IT IS SO ORDERED:**

The Case/Trial Schedule is hereby amended as follows:

Event	Current Date	Proposed New Date
<u>PI</u> : Defs. Deferred Pleading Challenges	Feb. 26, 2021	Mar. 2, 2021
<u>EL</u> : Plaintiffs file Motion for Class Certification (as to Cal. subclass and federal nationwide class) Plaintiffs serve class certification expert reports	March 17, 2021	April 28, 2021
<u>PI</u> : Oppositions to Defs. Deferred Pleading Challenges		April 13, 2021
<u>PI</u> : Defs. Reply Deferred Pleading Challenges		May 4, 2021
<u>PI</u> : Hearing on Deferred Pleading Challenges	April 9, 2021	To be set by the Court
<u>PI</u> : Core Discovery of BWs ends	Apr. 15, 2021	June 1, 2021
<u>PI</u> : Each side exercises one strike from BW	Apr. 22, 2021	June 3, 2021
<u>PI</u> : Letter Briefs re BW nominees	Apr. 30, 2021	June 10, 2021
<u>ALL</u>: Deadline to complete fact discovery	June 18, 2021	July 30, 2021
<u>EL</u> Defendants file opposition to motion for class certification Defendants serve class certification response expert reports Defendants file <i>Daubert</i> motions as to Plaintiffs' class cert experts	June 16, 2021	July 28, 2021
<u>PI</u> : End of Supp. Discovery of 2 BW trial picks	July 1, 2021	August 10, 2021
<u>GE</u> : Case specific expert reports for BW cases exchanged	July 1, 2021	Aug. 16, 2021
<u>ALL</u>: Exchange of Generic Expert Reports	July 2, 2021	Aug. 16, 2021
<u>EL</u> : Plaintiffs file Reply in support of motion for class cert Plaintiffs serve class cert rebuttal expert reports Plaintiffs file <i>Daubert</i> motions for Defendants' class certification experts Plaintiffs file oppositions to Defendants' <i>Daubert</i> motions	July 14, 2021	August 25, 2021
<u>PI</u> : Case specific expert reports for First Two BW Trial cases exchanged	July 15, 2021	Aug. 16, 2021
<u>EL</u> : Defendants file opposition to Plaintiffs' <i>Daubert</i> motions Defendants file replies in support of Defendants' <i>Daubert</i> motions	July 28, 2021	September 8, 2021

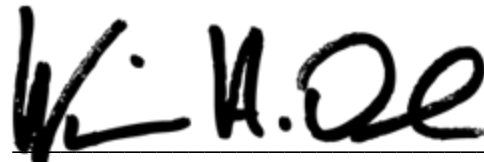
Event	Current Date	Proposed New Date
ALL: Exchange of Rebuttal Generic Expert Reports	July 30, 2021	Sept. 15, 2021
EL: Plaintiffs file replies in support of Plaintiffs' <i>Daubert</i> motions	--	September 15, 2021
Hearing on Class Certification motion and class certification <i>Daubert</i> motions	August 13, 2021	September 24, 2021 (or as soon thereafter as convenient for the court)
Exchange of class action case-specific expert reports	--	40 days after ruling on class certification
Exchange of class action case-specific expert rebuttal reports ²	--	30 days after opening reports
Plaintiff complete class notice to any certified class	--	90 days after ruling on class certification
Close of class action case-specific expert discovery	--	30 days after rebuttal reports
Opt out deadline for any certified class	--	21 days after class notice completed
PI: Exchange of Case-Specific Rebuttal reports in First Two PI BWs	Aug 16, 2021	Sept. 15, 2021
GE: Exchange of Case-Specific Rebuttal reports in GE BWs	Aug. 16, 2021	Sept. 15, 2021
Close of Generic and Case Specific GE and PI expert Discovery	Sept. 22, 2021	Oct. 15, 2021
PI and GE: MSJ and <i>Daubert</i> Motions	Sept. 30, 2021	Oct. 26, 2021
PI and GE: MSJ and <i>Daubert</i> Oppositions	Oct. 29, 2021	Nov. 23, 2021
PI and GE: MSJ and <i>Daubert</i> Replies	Nov. 12, 2021	Dec. 6, 2021
PI and GE: Oral Argument re MSJ + <i>Daubert</i>	Dec. 10, 2021	To be set by the Court
EL: Class case MSJ Motions <i>Daubert</i> motions for class action case-specific experts	September 30, 2021	30 days after close of class case specific expert discovery
EL: Class case MSJ Oppositions <i>Daubert</i> Oppositions for class action case-specific experts	October 29, 2021	30 days after opening briefs filed
EL: Class case MSJ Replies <i>Daubert</i> replies for class action case-specific experts	November 12, 2021	21 days after oppositions filed
EL: Hearing on class case MSJ and <i>Daubert</i> motions	December 10, 2021	21 days after replies filed or at a time to be

² Plaintiffs reserve the right to submit class action case-specific reply expert reports if appropriate. The parties agree to negotiate in good faith regarding replies and any attendant adjustments to the schedule (such as adjusting other time periods) that might become necessary.

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Event	Current Date	Proposed New Date
		determined by the Court
Exchange of Civil Local Rule 16-10(b)(7), (8), (9) and (1) Materials	Dec. 15, 2021	Dec. 21, 2021
Pretrial Conf. Stmt, Jury Instructions, Exhibit List and Objs., Dep. Designations & Objs., and Mots. <i>in limine</i>	Jan. 17, 2021	Jan. 21, 2021
Pre-trial Conference	Jan. 31, 2021	Jan. 31, 2021
First Bellwether Trial	Feb. 22, 2022	Feb. 22, 2022

Date: March 1, 2021



HONORABLE WILLIAM H. ORRICK
United States District Judge