

Eric H. Gibbs (SBN 178658)
Andre M. Mura (SBN 298541)
Amy M. Zeman (SBN 273100)
Ezekiel S. Wald (SBN 341490)
GIBBS LAW GROUP LLP
505 14th Street, Suite 1110
Oakland, California 94612
Telephone: (510) 350-9700
Facsimile: (510) 350-9701
ehg@classlawgroup.com
amm@classlawgroup.com
amz@classlawgroup.com
zsw@classlawgroup.com

Attorneys for Plaintiffs and the Proposed Class

[Additional counsel on signature page]

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CAT BROOKS and RASHEED SHABAZZ,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

THOMSON REUTERS CORPORATION,

Defendant.

Case No. 3:21-cv-1418-EMC

**DECLARATION OF ANDRE M.
MURA**

1 I, Andre M. Mura, declare under penalty of perjury:

2 1. I am a member in good standing of the Bar of California and the bar of this Court. I am a
3 partner at Gibbs Law Group LLP in Oakland, California, and represent Plaintiffs in this matter. Plaintiffs
4 respectfully request a modification of the case schedule to extend the briefing deadlines related to class
5 certification and incorporate a *Daubert* briefing schedule for experts related to class certification. I offer this
6 declaration in support of Plaintiffs' motion seeking that modification.

7 2. **Reasons for Requested Enlargement of Time.** Plaintiffs seek modification of the
8 scheduling order to prepare simultaneous briefing on class certification and *Daubert* challenges to expert
9 testimony in support of or in opposition to class certification. On April 8, 2022, the Ninth Circuit issued an
10 opinion indicating that district courts can consider challenges to expert testimony in support of and in
11 opposition to class certification under the *Daubert* standard and Federal Rule of Evidence 702 at the class
12 certification stage. *See Olean Wholesale Grocery Coop., Inc. v. Bumble Bee Foods LLC*, 31 F.4th 651, 665 n.7 (9th
13 Cir. 2022). The operative case schedule understandably does not account for *Daubert* briefing because this
14 opinion issued after the operative case schedule was approved. Plaintiffs' proposed modifications extend
15 both parties' class certification deadlines in anticipation of challenges to Plaintiffs' two experts and Thomson
16 Reuters's three rebuttal experts.

17 3. As explained in the motion, Plaintiffs must necessarily consider Thomson Reuters's rebuttal
18 experts' testimony—and Plaintiffs' anticipated challenges to Thomson Reuters's rebuttal experts—when
19 drafting their class certification motion. Plaintiffs' requested extensions consolidate these deadlines to
20 prevent duplicative work.

21 4. As also explained in the motion, Thomson Reuters produced three rebuttal expert reports in
22 response to Plaintiffs' two experts. The rebuttal experts issued particularly lengthy and complex reports
23 relating to disparate issues in the case. These reports were produced in September. Plaintiffs have deposed
24 two experts, with the remaining expert to be deposed October 11. As scheduled, there will be less than one
25 month between the deposition of the third rebuttal expert and the date Plaintiffs' class certification motion
26 is due. The third expert's report is over 100 pages long, not including attachments.

27 5. Additionally, Plaintiffs request an extension due to competing deadlines in other cases. As
28 explained more fully below, both Amy Zeman and I face significant deadlines in other cases that were not

1 anticipated to arise during class certification briefing. Jennifer Bennett, who also leads portions of Plaintiffs'
2 briefing, has informed me she also faces multiple deadlines in the coming two months.

3 **6. Efforts to Obtain Stipulation from Thomson Reuters.** Plaintiffs requested a stipulation
4 to modify the case schedule as set forth in Plaintiffs' administrative motion, and conferred with counsel for
5 Thomson Reuters with respect to that requested stipulation via email and telephone. Plaintiffs explained that
6 they sought the extension in order to provide an orderly briefing schedule for *Daubert* motions related to
7 class certification simultaneous with class certification briefing, along with the complexities of Plaintiffs'
8 counsels' schedules in the upcoming months.

9 **7.** Specifically, Plaintiffs requested the deadline to file their motion for class certification be
10 extended by 43 days (12/22/22), the deadline for Thomson Reuters to file its opposition to class certification
11 be extended by 44 days (03/10/23), and the deadline for Plaintiffs to file their reply in support of class
12 certification be extended by 60 days (05/08/23). Plaintiffs also proposed that a *Daubert* briefing schedule be
13 tied to both parties' respective class certification deadlines. Finally, Plaintiffs asked that the deadline to amend
14 their complaint be extended 43 days, concurrent with their class certification motion. The proposed schedule
15 gives Thomson Reuters the same amount of time to brief its opposition after the motion to certify class is
16 filed, but also extends Plaintiffs' class certification and *Daubert* reply deadlines by an additional 15 days.

17 **8.** Thomson Reuters declined to extend the deadlines associated with class certification briefing
18 and amendment in order to simultaneously brief *Daubert* motions related to class certification. Thomson
19 Reuters instead proposed a schedule that left class certification briefing as currently scheduled, with *Daubert*
20 briefing set to take place in advance of the hearing on class certification. Thomson Reuters' proposed
21 schedule was: Plaintiffs' *Daubert* Motion(s): 1/16/23. Thomson Reuter's Response: 2/13/23. Plaintiffs'
22 Reply: 2/27/23. Thomson Reuters' *Daubert* Motion(s): 1/26/23. Plaintiffs' Response: 2/23/23. Thomson
23 Reuters' Reply: 3/9/23. Thomson Reuters did not argue that Plaintiffs had not been diligent, and provided
24 only a general objection that the proposed schedule would be inefficient, unnecessary, and "costly."
25 Thomson Reuters further agreed that *Daubert* briefing would need to be completed by the close of class
26 certification briefing.

27 **9. Substantial Harm or Prejudice.** As explained in the motion, Plaintiffs will face substantial
28 harm without an extension to their class certification briefing schedule. Discovery in the past two months

has been significant in both quantity and import. Plaintiffs have parsed thousands of documents and three rebuttal expert reports totaling 275 pages. Plaintiffs have taken two rebuttal expert depositions (with a third scheduled next week). Much of this information must be included or addressed in a sufficient class certification motion, but Plaintiffs have less than one month to consider and choose what to incorporate.

10. As also explained in the motion, Plaintiffs' counsel face significant deadlines in other cases, several of which were not anticipated to arise during class certification briefing. My colleague Amy Zeman and I are also counsel for multiple plaintiffs in *In re 3M Products Liability Litigation*, MDL No. 2885, which recently resumed after a pause for bankruptcy proceedings. We now face competing deadlines in November for choice of law, *Daubert*, and summary judgment in six separate cases that will be remanded for trial.

11. **Previous Time Modifications.** There have been two prior stipulated extensions in this case: one 60-day extension of class certification and discovery deadlines approved in March 2022 for me to serve jury duty, and an additional 30-day extension of class certification and discovery deadlines approved in April 2022 to prepare expert disclosures. *See* ECF Nos. 78, 84.

12. **Effect of Requested Modification on Case Schedule.** Plaintiffs' proposed extension would not affect the close of fact discovery. The proposed extension would require resetting the currently scheduled class certification hearing, which is presently set for April 20, 2023. No other deadlines have been formally set.

Dated: October 7, 2022

Respectfully submitted,

By: /s/ Andre M. Mura

Eric H. Gibbs (SBN 178658)
 Andre M. Mura (SBN 298541)
 Amy M. Zeman (SBN 273100)
 Ezekiel S. Wald (SBN 341490)
GIBBS LAW GROUP LLP
 505 14th Street, Suite 1110
 Oakland, California 94612
 Telephone: (510) 350-9700
 Facsimile: (510) 350-9701
 ehg@classlawgroup.com
 amm@classlawgroup.com
 amz@classlawgroup.com
zsw@classlawgroup.com

Jennifer D. Bennett (SBN 296726)
Neil K. Sawhney (SBN 300130)
GUPTA WESSLER PLLC
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 573-0336
jennifer@guptawessler.com
neil@gutawessler.com

Benjamin Elga (pro hac vice)
JUSTICE CATALYST LAW INC.
123 William Street, 16th floor
New York, NY 10038
Telephone: (518) 732-6703
belga@justicecatalyst.org

Albert Fox Cahn (pro hac vice)
**SURVEILLANCE TECHNOLOGY
OVERSIGHT PROJECT**
40 Rector Street, 9th Floor
New York, NY 10006
albert@stopspying.org

*Attorneys for Plaintiffs Cat Brooks and Rasheed
Shabazz and the Proposed Class*