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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO**

THOMAS A. SHIELDS and KATINKA HOSSZU, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

WORLD AQUATICS,

Defendant.

INTERNATIONAL SWIMMING LEAGUE, LTD.,

Plaintiff,

v.

WORLD AQUATICS,

Defendant.

Case No. 3:18-cv-07393-JSC  
Case No. 3:18-cv-07394-JSC

**JOINT CASE MANAGEMENT STATEMENT**

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CASE No. 3:18-cv-07393-JSC

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Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure and Northern District of California Civil Local Rule 16-9, Plaintiffs International Swimming League (“ISL”) and Thomas A. Shields and Katinka Hosszu (“*Shields* Plaintiffs”) and Defendant World Aquatics (together, “the Parties”), present this joint case management statement in advance of the case management conference scheduled for April 30, 2025, at 2:00 p.m.

The Parties have identified four issues for the Court to address:

*First*, the Parties met to discuss class certification, following which the *Shields* Plaintiffs and Defendant World Aquatics filed a stipulation that, in light of the Ninth Circuit’s decision, the *Shields* Plaintiffs’ proposed damages classes meet the requirements for certification under Federal Rule of Civil Procedure 23 and that this Court should therefore certify the damages classes.

*Second*, in conjunction with the joint stipulated motion to certify the damages classes, *Shields* Plaintiffs have filed a proposed class notice plan incorporating Defendant World Aquatics’ comments.

*Third*, the Parties anticipate needing 12 days to conduct a trial, instead of the currently scheduled eight days. The Parties will be prepared to address pretrial scheduling at the April 30 case management conference.

*Fourth*, the Parties remain willing to discuss settlement and plan to engage with a mediator later this year.

### **1. Class Action Certification**

On September 17, 2024, the Ninth Circuit reversed this Court’s decision to deny certification of “the swimmer plaintiffs’ proposed damages classes of swimmers who signed contracts to participate in ISL competitions in 2018 or participated in ISL events in 2019.” Dkt. No. 393 at 8–10.

Consistent with this Court’s February 12, 2025 Order (Dkt. 408), the Parties held an in-person meet-and-confer conference in San Francisco, California on Tuesday, March 18, 2025. Among other issues, *Shields* Plaintiffs and Defendant World Aquatics discussed class certification and a class notice plan. *Shields* Plaintiffs and Defendant subsequently agreed to and filed a joint stipulation, pursuant to the Ninth Circuit’s order in this case (Dkt. 393), that the *Shields* Plaintiffs’ proposed damages classes meet the requirements for certification under Federal Rule of Civil Procedure 23 and that this Court should

therefore certify the damages classes. Dkt. 410 at 1–2. The stipulating parties have agreed that a hearing is not necessary before certifying *Shields* Plaintiffs’ proposed damages class. *Id.* In this stipulation, Defendant also “reserve[d] its right to challenge the reliability and admissibility of the damages opinions of the *Shields* Plaintiffs’ damages expert, Dr. Daniel Rascher, prior to and at trial.” *Id.*

*Shields* Plaintiffs and Defendant’s joint stipulation consequently renders *Shields* Plaintiffs’ February 3, 2025 motion to certify the class (Dkt. 405) moot.

## 2. Class Notice Plan

*Shields* Plaintiffs filed its proposed class notice plan on April 23, 2025, incorporating Defendant’s comments. The motion to approve the manner and form of class notice plan, Dkt. 411, includes the following supporting documentation:

- A proposed long-form notice (Dkt. 411-2), email notice (Dkt. 411-2), and postcard notice (Dkt. 411-2), appended to the declaration of Carla A. Peak; and
- A press release, appended to the declaration of Jeffrey Kessler (Dkt. 411-3).

The proposed class notice plan includes a 45-day opt out period for class members. Defendant’s counsel has requested contact information for the class members to assist with class notice, and has agreed to provide the contact information that World Aquatics is able to obtain to allow for prompt class notice following the Court’s approval of the notice plan, and thus does not impact the trial schedule.

## 3. Trial Schedule

On February 12, 2025, this Court set a jury trial for January 12, 2026 to January 22, 2026 at 8:00 a.m., to take place over 8 days. Dkt. 408, modified February 13, 2025. The Parties do not presently have any conflicts with these dates, but anticipate needing 12 trial days, considering the issues presented, witnesses, and expected trial schedule.

Additionally, the Parties will be prepared to discuss pretrial scheduling at the April 30 case management conference.

## 4. Settlement and ADR

The Parties have agreed to discuss settlement and selected a private mediator, and are working to schedule a mediation for June, 2025.

Dated: April 23, 2025

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**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

By: /s/ Jeffrey L. Kessler  
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