

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AVELARDO RIVERA and YASMINE
ROMERO, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

AMAZON WEB SERVICES, INC.,
a Delaware corporation,

Defendant.

No. 2:22-CV-00269-JHC

**STIPULATED MOTION
TO EXTEND DISCOVERY
RELATED DEADLINES AND
ORDER**

**NOTE ON MOTION
CALENDAR: OCTOBER 30, 2023**

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Defendant Amazon Web Services, Inc. (“AWS”) and Plaintiffs Avelardo Rivera and Yasmine Romero, respectfully move the Court in the above-captioned matter for a short extension of the following discovery-related deadlines:

Event	Original Deadline	Proposed Deadline
Completion of Fact Discovery (Merits Issues and Class Certification Issues)	October 30, 2023	October 30, 2023
Deadline to hold final 30(b)(6) deposition		December 4, 2023
Deadline to move to compel source code		December 11, 2023
Disclosure of Plaintiffs’ Expert(s) and Expert Report(s) regarding Class Certification	November 27, 2023	No deadline (<i>plaintiffs do not plan to disclose experts regarding class certification</i>)

1	Disclosure of Defendant's	January 2, 2024	January 31, 2024
2	Expert(s) and Expert		
3	Report(s) regarding Class		
4	Certification		
5	Deadline for Plaintiffs' class		March 1, 2024
6	certification rebuttal expert		
7	disclosures		
8	Completion of Expert	February 19, 2024	April 1, 2024
9	Discovery regarding Class		
10	Certification		
11	Deadline to file Daubert		May 1, 2024
12	motions		
13	Plaintiffs' Deadline to Move	March 18, 2024	May 1, 2024
14	for Class Certification		
15	Defendant's Deadline to	April 18, 2024	June 12, 2024
16	Respond to Motion for Class		
17	Certification		
18	Plaintiffs' Deadline to Reply	May 9, 2024	July 10, 2024
19	in support of Class		
20	Certification ¹		

21 In support of the foregoing requests for relief, the Parties state as follows:

22 1. On July 24, 2023, Plaintiffs filed a Motion to Compel Responses to Certain
23 Discovery Requests. *See* Dkt. 83. AWS filed its Response to the Motion to Compel on
24 September 8, 2023, and Plaintiffs filed their Reply on September 16, 2023.

25 2. The Court entered an Order granting in part and denying in part Plaintiffs' Motion
26 to Compel and extended the deadline for completion of fact discovery until October 30, 2023.
See Dkt. 116.

27 3. In relevant part, the Order required AWS to produce certain discovery, *id.* at 5,
28 and to provide for deposition a Rule 30(b)(6) witness regarding IndexFaces or, alternatively, to
29 re-designate prior deposition testimony regarding IndexFaces as corporate testimony, *id.* at 3-4.
30 Finally, the Court held that AWS was not required to produce source code at that time because
31 the reopening or re-designation of Rule 30(b)(6) deposition would likely cover this issue. *Id.* at 4.

32 _____
33 ¹ Following the Court's ruling on Plaintiffs' motion for class certification, the Parties will confer
34 and will propose a schedule for the Court's consideration which will include a schedule for merits-
35 based expert discovery.

1 4. On October 4, 2023, the Court entered a Scheduling Order Regarding Class
2 Certification which set the following deadlines:

- 3 • Completion of Fact Discovery (Merits Issues and Class Certification Issues): October
4 30, 2023
- 5 • Disclosure of Plaintiff's Expert(s) and Expert Report(s) regarding Class Certification:
6 November 27, 2023
- 7 • Disclosure of Defendant's Expert(s) and Expert Report(s) regarding Class
8 Certification: January 2, 2024
- 9 • Completion of Expert Discovery regarding Class Certification: February 19, 2024
- 10 • Plaintiff's Deadline to Move for Class Certification: March 18, 2024
- 11 • Defendant's Deadline to Respond to Motion for Class Certification: April 18, 2024
- 12 • Plaintiff's Deadline to Reply in support of Class Certification: May 9, 2024

13 5. Since the Court's Order on the Motion to Compel, the Parties have worked
14 diligently to complete custodial discovery and to provide additional testimony regarding
15 IndexFaces, both through redesignation of prior testimony as well as agreeing upon topics for an
16 additional 30(b)(6) deposition. Consistent with the Court's order, AWS is on track to produce
17 custodial documents by the close of fact discovery on October 30, 2023. AWS has also agreed to
18 another three-hour 30(b)(6) deposition covering various topics relating to IndexFaces.

19 6. Due to scheduling issues, the Parties agree that they require additional time to
20 prepare for, schedule, and complete the 30(b)(6) deposition—which is currently scheduled for
21 December 4, 2023—after which time Plaintiffs may move to compel the production of AWS's
22 source code. The Parties also agree that, given the complexity of this case, the possibility of a
23 further motion to compel, as well as the approaching holidays and pre-planned absences of
24 parties and counsel, that an extension is appropriate regarding the deadlines for expert
25 disclosures and class certification briefing. As such, good cause exists for these extensions.
26

1 WHEREFORE, the Parties respectfully request that the Court enter an order extending
2 existing case deadlines in accordance with this Stipulated Motion.

3 I certify that this motion contains 690 words, in compliance with the Local Civil Rules.
4

5 Dated: October 30, 2023

By: s/ Ryan Spear

Ryan Spear, WSBA No. 39974
RSpear@perkinscoie.com
Nicola Menaldo, WSBA No. 44459
NMenaldo@perkinscoie.com
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Telephone 206.359.8000
Facsimile 206.359.9000

Attorneys for Defendant
AMAZON WEB SERVICES, INC.

By: s/ Schuyler Ufkes

J. Eli Wade-Scott (admitted *pro hac vice*)
ewadescott@edelson.com
Schuyler Ufkes (admitted *pro hac vice*)
sufkes@edelson.com
EDELSON PC
350 North LaSalle Street, 14th Floor
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Attorneys for Plaintiffs
Avelardo Rivera and Yasmine
Romero

THE HONORABLE JOHN H. CHUN

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 AVELARDO RIVERA and YASMINE
10 ROMERO, individually and on behalf of all
11 others similarly situated,

12 Plaintiffs,

13 v.

14 AMAZON WEB SERVICES, INC.,
15 a Delaware corporation,

16 Defendant.

No. 2:22-CV-00269-JHC

**ORDER TO EXTEND DISCOVERY
RELATED DEADLINES**

**NOTE ON MOTION CALENDAR:
OCTOBER 27, 2023**

17 **ORDER**

18 IT IS SO ORDERED.

19 DATED this 30th day of October, 2023.

20 

21 HONORABLE JOHN H. CHUN
22 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 By: s/ Ryan Spear

3 Ryan Spear, WSBA No. 39974

4 RSpears@perkinscoie.com

5 Nicola Menaldo, WSBA No. 44459

6 NMenaldo@perkinscoie.com

7 **Perkins Coie LLP**

8 1201 Third Avenue, Suite 4900

9 Seattle, Washington 98101-3099

10 Telephone 206.359.8000

11 Facsimile 206.359.9000

12 Attorneys for Defendant

13 AMAZON WEB SERVICES, INC.

14 By: s/ Schuyler Ufkes

15 J. Eli Wade-Scott

16 ewadescott@edelson.com

17 Schuyler Ufkes

18 sufkes@edelson.com

19 EDELSON PC

20 350 North LaSalle Street, 14th Floor

21 Chicago, Illinois 60654

22 Tel: 312.589.6370

23 Fax: 312.589.6378

24 Attorneys for Plaintiffs

25 Avelardo Rivera and Yasmine

26 Romero

164283871.3