

1 LARRY R. NELSON (BAR NUMBER 97291)
2 RAYMOND J. MURO (BAR NUMBER 259871)
3 NELSON ♦ GRIFFIN LLP
4 800 West 6th Street, Suite 788
5 Los Angeles, California 90017
6 Telephone: (213) 833-0155
7 Facsimile: (213) 833-0160

8 Attorneys for Defendant
9 PRECHECK, INC.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Sarmad Syed, an individual, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

M-I LLC, a Delaware Limited Liability Company,
PreCheck, Inc., a Texas Corporation, and Does 1
through 10,

Defendants.

Case No. 1:14-cv-00742-WBS-BAM

**STIPULATION TO STAY CASE PENDING
SUPREME COURT DECISION IN SPOKEO,
INC. v. ROBINS;
~~[PROPOSED]~~ ORDER STAYING CASE;
AND MEMORANDUM OF POINTS AND
AUTHORITIES**

COME NOW, Plaintiff SARMAD SYED and Defendant PRECHECK, INC. (“PreCheck” or “Defendant”), by and through their undersigned counsel, and hereby stipulate to, and move the Court for an order staying the case pending a decision by the United States Supreme Court in Spokeo, Inc. v. Robins, No. 13-1339.

On April 27, 2015, the Supreme Court granted the petition for certiorari in Spokeo. The Supreme Court’s decision in Spokeo will address the potentially dispositive issue of whether Congress may confer Article III standing upon a plaintiff who suffers no concrete harm, and who therefore could not otherwise invoke the jurisdiction of a federal court, by authorizing a private right of action based on a bare violation of a federal statute.

1 In Spokeo, the complaint alleged a violation of provisions of the Fair Credit Reporting Act
2 (“FCRA”). As in Spokeo, Plaintiff SYED’s complaint alleges statutory violations of the FCRA, and
3 seeks only statutory damages. Resolution of Spokeo and the standing issue is therefore critical to and
4 potentially dispositive of the present action.

5 In light of the uncertainty in the law posed by the Supreme Court’s grant of certiorari in Spokeo,
6 the parties have agreed to mediate this matter, and mediation is currently scheduled for July 21, 2015,
7 with mediator Joan Kessler, Esq.

8 The parties also hereby stipulate to, and move for, the following:

9 1. That the case be stayed pending the earlier of resolution of the case by the parties, or
10 resolution of Spokeo in the Supreme Court;

11 2. That all motion and discovery cut-off dates be vacated pending the earlier of resolution of
12 the case by the parties, or resolution of Spokeo in the Supreme Court; and

13 3. That the trial date be vacated pending the earlier of resolution of the case by the parties,
14 or resolution of Spokeo in the Supreme Court.

15
16 **IT IS SO STIPULATED.**

17
18 Date: May ___28___, 2015

PETER R. DION-KINDEM, P.C.

19
20 By: _____/s/_____

PETER R. DION-KINDEM
Attorneys for Plaintiff
SARMAD SYED

21
22
23 Date: May ___28___, 2015

NELSON ♦ GRIFFIN LLP

24
25 By: _____/s/_____

LARRY R. NELSON
RAYMOND J. MURO
Attorneys for Defendant
PRECHECK, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the parties' stipulation and motion, and good cause appearing therefore, IT IS
HEREBY ORDERED that:

1. This action is stayed in its entirety, until further order by the Court, to be entered after the
Supreme Court's decision in Spokeo, Inc. v. Robins, No. 13-1339;


2. All motion and discovery cut-off dates be vacated, until further order by the Court, to be
entered after the earlier of notice by the parties that they have resolved the case, or the Supreme Court's
decision in Spokeo, Inc. v. Robins, No. 13-1339;

3. The trial date be vacated, until further order by the Court, to be entered after the earlier of
notice by the parties that they have resolved the case, or the Supreme Court's decision in Spokeo, Inc. v.
Robins, No. 13-1339; and

4. A Status Conference is set in this action on **October 26, 2015 at 2:00 p.m.** If the matter
is resolved or a decision made by the Supreme Court in Spokeo, Inc. v. Robins, No. 13-1339 prior to
said date, counsel shall file a Joint Status Report within 7 days thereof.

IT IS SO ORDERED.

Dated: May 29, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE