

1 RANDALL W. EDWARDS (S.B. #179053)
redwards@omm.com
2 MATTHEW D. POWERS (S.B. #212682)
mpowers@omm.com
3 O'MELVENY & MYERS LLP
Two Embarcadero Center
4 28th Floor
San Francisco, CA 94111
5 Telephone: (415) 984-8700
Facsimile: (415) 984-8701
6

7 KELSEY M. LARSON (S.B. #267982)
klarson@omm.com
O'MELVENY & MYERS LLP
8 400 South Hope Street
Los Angeles, CA 90071
9 Telephone: (213) 430-6000
Facsimile: (213) 430-6407
10

11 *Attorneys for Defendant*
Apple Inc.

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**
14

15 DEREK MASTEL, INDIVIDUALLY AND
16 ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

17 Plaintiff,

18 v.

19 MINICLIP SA AND APPLE INC.,

20 Defendants.
21
22
23
24
25
26
27
28

Case No. 2:21-CV-00124-WBS-KJN

**STIPULATION SETTING BRIEFING
SCHEDULE ON APPLE'S MOTION TO
DISMISS**

Date: June 14, 2021
Time: 1:30 p.m.
Judge: Hon. William B. Shubb
Courtroom: 5

1 Pursuant to Local Rules 143 and 144, Plaintiff Derek Mastel and Apple Inc. ("Apple")
2 hereby stipulate as follows:

3 WHEREAS, Plaintiff filed his Complaint in the above-captioned action on January 21,
4 2021, and named Apple as one of the Defendants;

5 WHEREAS, Apple filed its motion to dismiss on April 12, 2021, and noticed the hearing
6 on the motion to dismiss for June 14, 2021, at 1:30 p.m.;

7 WHEREAS, Plaintiff and Apple have conferred, and have agreed to a briefing schedule
8 on the motion to dismiss such that Plaintiff's opposition shall be due on or before May 14, 2021,
9 and Apple's reply in support of its motion to dismiss shall be due on or before May 28, 2021.

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
11 Plaintiff and Apple as follows:

12 1. Plaintiff's opposition to Apple's motion to dismiss shall be due on or before May 14,
13 2021; and

14 2. Apple's reply in support of its motion to dismiss shall be due on or before May 28,
15 2021.

16 Dated: April 22, 2021

Respectfully submitted,

O'MELVENY & MYERS LLP


18 By: /s/ Matthew D. Powers
19 Matthew D. Powers
Attorney for Defendant Apple Inc.

BURSOR & FISHER, P.A.

21 By: /s/ Joel D. Smith (as authorized on 4/21/21)
22 Joel D. Smith
Attorney for Plaintiff

23 **IT IS SO ORDERED.**

24 **Dated:** April 23, 2021

25
26 
27 WILLIAM B. SHUBB
28 UNITED STATES DISTRICT JUDGE