

1 Cortlin H. Lannin (Bar No. 266488)
2 COVINGTON & BURLING LLP
3 Salesforce Tower
4 415 Mission Street, Suite 5400
5 San Francisco, California 94105-2533
6 Telephone: + 1 (415) 591-7078
7 Facsimile: + 1 (415) 591-6091
8 Email: clannin@cov.com

6 *Attorneys for Defendants Walmart Inc.
7 and Wal-Mart Stores, Inc.*

8 *(Additional counsel listed below)*

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

13 Civil Case No.: 2:24-cv-01024-DJC (CSK)

14 VERNITA FAISON, individually and as a
15 representative of all others similarly situated,

16 Plaintiff,

17 v.

18 WALMART INC. and WAL-MART STORES,
19 INC.,

20 Defendants.

**JOINT STIPULATION AND ORDER
REGARDING COMMON FACT
DISCOVERY**

Judge: Hon. Daniel J. Calabretta

Magistrate: Hon. Chi Soo Kim

21
22 Plaintiff Vernita Faison and Defendants Walmart Inc. and Wal-Mart Stores, Inc.
23 (“Walmart”) hereby submit this stipulation, subject to approval by the Court:

24 WHEREAS, on August 10, 2023, Plaintiff and two other individuals—Arnesia Thomas
25 and Pascha Perkins—filed a complaint against Walmart in the Northern District of Illinois
26 asserting that Walmart misrepresents the thread count of its 800-thread count “Hotel Style”
27 bed sheets. *See Thomas v. Walmart Inc.*, N.D. Ill. Case No. 1:23-cv-05315 (ECF No. 1).
28

1 WHEREAS, Plaintiff Faison’s claims were dismissed by the *Thomas* court for lack of
2 personal jurisdiction on March 11, 2024. See *Thomas*, ECF No. 37. Plaintiffs Thomas and
3 Perkins continue to prosecute their claims in the *Thomas* action.

4 WHEREAS, Plaintiff subsequently filed the instant action in this forum on April 5, 2024,
5 re-asserting the claims that had been dismissed by the *Thomas* court for lack of personal
6 jurisdiction. ECF No. 1.

7 WHEREAS, Plaintiff’s allegations and the issues in this action substantially overlap with
8 those in *Thomas v. Walmart Inc.*

9 WHEREAS, fact discovery is currently open in both this action and the *Thomas v.*
10 *Walmart Inc.* matter, although the parties’ fact discovery activities have been proceeding under
11 the ambit of the *Thomas* matter.

12 WHEREAS, the parties have agreed to substantively identical confidentiality orders and
13 ESI protocols in both this action and the *Thomas v. Walmart Inc.* matter. See *Faison v.*
14 *Walmart Inc.*, ECF Nos. 39 & 40; *Thomas v. Walmart Inc.*, ECF Nos. 46 & 47, Case No. 23-cv-
15 5315 (N.D. Ill. May 20, 2024).

16 WHEREAS, the parties agree that it would serve the interests of judicial economy and
17 efficiency if certain categories of fact discovery produced in the *Thomas* case were also
18 deemed produced in this case, which would ensure the parties do not need to serve
19 duplicative discovery requests, re-produce documents, or conduct duplicative depositions.

20 WHEREAS, the parties agree that the following categories of fact discovery materials
21 from the *Thomas* case will be deemed served and/or produced in this case and available for
22 the parties to use as if they had originally been served and/or produced in this case:

- 23 1. All written discovery requests and responses;
- 24 2. All documents produced by either party;
- 25 3. All documents produced by a third-party in response to a subpoena or public records
26 request, as well as written responses by a third-party to a subpoena, provided the
27 third-party consents to making these materials available in this action as well as the
28 *Thomas* case;

- 1 4. All depositions of a fact witness; and
- 2 5. All depositions of a corporate witness.

3 WHEREAS, the parties agree that any confidentiality designations of discovery material
4 produced in *Thomas* will be equally applicable in this matter.

5 WHEREAS, the parties agree to abide by any fact discovery-related decisions of the
6 *Thomas* court that are equally applicable in this matter, and to abide by any fact discovery-
7 related decisions of this Court that are equally applicable in the *Thomas* matter.

8 WHEREAS, the parties agree that any discovery material that is clawed back in the
9 *Thomas* case will also be deemed to have been clawed back in this case.

10 WHEREAS, the parties agree that this stipulation shall not prejudice or prevent either
11 party from seeking further fact discovery specific to this matter, including (but not limited to)
12 discovery of the Plaintiff in this case.

13 WHEREAS, the parties agree that they will enter into and file a similar stipulation in the
14 *Thomas* matter that will provide that the above outlined categories of fact discovery produced
15 in this matter are also deemed produced in the *Thomas* matter. Again, this will ensure that the
16 parties do not need to serve duplicative discovery requests, re-produce documents, or conduct
17 duplicative depositions in either matter.

18 WHEREAS, the parties agree that nothing in this stipulation abridges the right of any
19 person to seek its modification by the court in the future.

20 NOW, THEREFORE, IT IS AGREED AND STIPULATED, subject to approval by the
21 Court, that the categories of fact discovery identified above from *Thomas v. Walmart Inc.*
22 should also be deemed served and produced in this action.

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1 Dated: March 5, 2025

Respectfully submitted,

2 /s/ Cortlin H. Lannin

/s/ Frank A. Bartela

3 Cortlin H. Lannin, Esq. (Bar No. 266488)
4 COVINGTON & BURLING LLP
Salesforce Tower
5 415 Mission Street, Suite 5400
San Francisco, CA 94105
6 Telephone: + 1 (415) 591-7078
7 Facsimile: + 1 (415) 591-6091
8 Email: clannin@cov.com

Frank A. Bartela, Esq. (OH Bar
#0088128)*
Nicole T. Fiorelli, Esq. (OH Bar
#0079204)*
DWORKEN & BERNSTEIN CO., L.P.A.
60 South Park Place
Painesville, Ohio 44077
(440) 352-3391 (440) 352-3469 Fax
Email: fbartela@dworke.nl
nfiorelli@dworke.nl
*Admitted Pro Hac Vice

9 *Attorneys for Defendants Walmart Inc.
and Wal-Mart Stores, Inc.*

10 Andrea R. Gold, Esq. (admitted *pro hac vice*)
11 agold@tzlegal.com
12 **TYCKO & ZAVAREEI LLP**
2000 Pennsylvania Avenue, NW, Suite 1010
Washington, D.C. 20006
13 Tel.: (202) 973-0900
14 Fax: (202) 973-0950

15 Annick M. Persinger, Esq. (CA Bar No.
272996)
16 **TYCKO & ZAVAREEI LLP**
1970 Broadway, Suite 1070
Oakland, CA 94612
17 Telephone: (510) 254-6808
18 Fax: (202) 973-0950
19 Email: apersinger@tzlegal.com

20 *Attorneys for Plaintiff*

ORDER

PURSUANT TO STIPULATION, **IT IS SO ORDERED** this 7th day of March, 2025.

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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