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 CHRISTOPHER OTEY

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22 CHRISTOPHER OTEY, on behalf of
 himself and all others similarly situated,

23 Plaintiff,

24 v.

25 CROWDFLOWER, INC., LUKAS
 26 BIEWALD and CHRIS VAN PELT,

27 Defendants.

Case No. 3:12-cv-05524-CRB

**STIPULATION AND ORDER RE:
 HEARING AND BRIEFING DATES FOR
 PENDING MOTIONS**

Civil Local Rule 6-2

1 Pursuant to Civil Local Rule 6-2, the undersigned, counsel of record for Plaintiff Christopher
2 Otey (“Plaintiff”) and Defendants CrowdFlower, Inc., Lukas Biewald, and Chris Van Pelt
3 (collectively “Defendants”), do hereby agree and stipulate as follows:
4

- 5 1. That the hearing on Defendants’ Motion to Bifurcate Discovery and to Stay Merits/Class
6 Certification Discovery and Motions, currently scheduled for February 22, 2013 at 10:00
7 a.m., be continued to March 29, 2013 at 10:00 a.m.
- 8 2. That Plaintiff be provided a one-week extension, until February 7, 2013, to file an Opposition
9 to Defendants’ Motion to Bifurcate.
- 10 3. That Defendants’ deadline to file a Reply in support of their Motion to Bifurcate be extended
11 until February 14, 2013.
- 12 4. Should the Court grant Defendant’ Motion to Bifurcate, the pending Motion for Conditional
13 Collective Action Certification and Dissemination of Notice Pursuant to 29 U.S.C. § 216(b)
14 will be taken off the calendar pending a ruling on the employer status issue. Should the
15 Court instead decide to allow Defendants 90 days to conduct discovery prior to responding to
16 the Motion for Conditional Collective Action Certification and Dissemination of Notice
17 Pursuant to 29 U.S.C. § 216(b), Defendant’s response will be set for May 31, 2013 and a
18 hearing scheduled for June 29, 2013. Finally, should the Court deny Defendants’ Motion to
19 Bifurcate and the alternative relief requested, Defendants’ response to the pending Motion
20 for Conditional Collective Action Certification and Dissemination of Notice Pursuant to 29
21 U.S.C. § 216(b) be set for 21 days following such ruling.
- 22 5. That the Fair Labor Standards Act statute of limitations be tolled as to the putative collective
23 action class members (namely: “all persons who, at any time in the last three years performed
24 “crowdsourced” work in the United States, its territories, and all other places where the
25 FLSA applies in response to any online request by CrowdFlower for “crowdsourced” work,
26 or any online notification by CrowdFlower that “crowdsourced” work was available”)
27 until three weeks after the Court issues a ruling on Defendants’ Motion to Bifurcate.
28

1 **IT IS SO STIPULATED**

2 Dated: January 30, 2013

LITTLER MENDELSON, P.C.

3 /s/ Jacqueline E. Kalk

JACQUELINE E. KALK

4 ARTHUR M. EIDELHOCH

GALEN M. LICHTENSTEIN

LITTLER MENDELSON, P.C.

5 Attorneys for Defendants

6 CROWDFLOWER, INC., LUKAS BIEWALD

7 AND CHRIS VAN PELT

8 Dated: January , 2013

9 WEINHAUS & POTASHNICK

10 /s/ Mark A. Potashnick

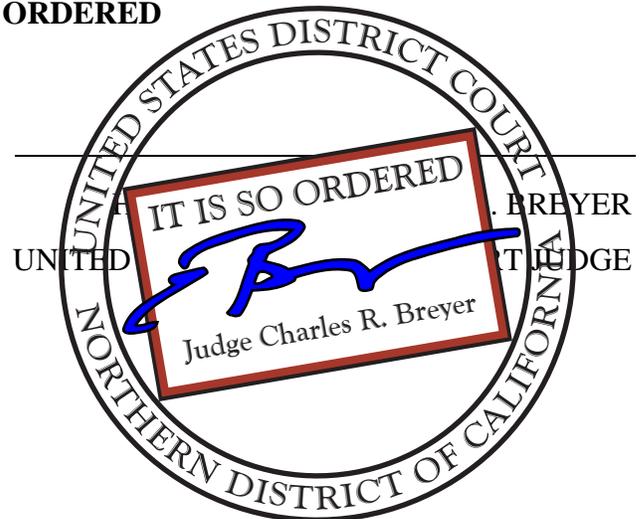
11 MARK A. POTASHNICK

12 Attorneys for Plaintiff

13 CHRISTOPHER OTEY

14
15 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

16 Dated: February 1, 2013



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