

1 HAYNES AND BOONE, LLP
 Tamara I. Devitt/Bar No. 209683
 2 tamara.devitt@haynesboone.com
 Mary-Christine Sungaila/Bar No. 156795
 3 mc.sungaila@haynesboone.com
 Kimberly A. Chase/Bar No. 253311
 4 kimberly.chase@haynesboone.com
 Matthew E. Costello/Bar No. 295062
 5 matthew.costello@haynesboone.com
 6 600 Anton Boulevard, Suite 700
 7 Costa Mesa, California 92626
 T: (949) 202-3000 | F: (949) 202-3001

8 HAYNES AND BOONE, LLP
 9 Meghaan C. Madriz (*pro hac vice*)
 meghaan.madriz@haynesboone.com
 10 1221 McKinney Street, Suite 2100
 11 Houston, Texas 77010
 T: (713) 547-2000 | F: (713) 547-2600

12 Attorneys for Defendant
 13 COGENT COMMUNICATIONS, INC.

14 (*Additional Counsel on Following Page*)

15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18
 19 JOAN AMBROSIO et al., on behalf of
 themselves and those similarly situated,

20 Plaintiffs,

21 vs.

22 COGENT COMMUNICATIONS, INC.,

23 Defendant.

Case No. 3:14-cv-02182-RS

Assigned to:
 U.S. District Judge Richard Seeborg

**STIPULATION TO: (1) EXTEND
 DEADLINES FOR EXPERT AND NON-
 EXPERT DISCOVERY AND FOR
 FILING DISPOSITIVE MOTIONS,
 AND (2) CONTINUE CASE
 MANAGEMENT CONFERENCE;
~~PROPOSED~~ ORDER**

Complaint filed: May 12, 2014

Trail date: May 22, 2017

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

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP
Thomas E. Duckworth/Bar No. 152369
tom@dplolaw.com
Monique Olivier/Bar No. 190385
monique@dplolaw.com
100 Bush Street, Suite 1800
San Francisco, California 94104
T: (415) 433-0333 | F: (415) 449-6556

SHELLIST | LAZARZ | SLOBIN LLP
Todd Slobin (*pro hac vice*)
tslobin@eeoc.net
11 Greenway Plaza, Suite 1515
Houston, Texas 77046
T: (713) 621-2277 | F: (713) 621-0993

Attorneys for Plaintiffs
JOAN AMBROSIO, ET AL.

1 **STIPULATION**

2 Plaintiffs Joan Ambrosio, et al. (“Plaintiffs”) and Defendant Cogent Communications,
3 Inc. (“Defendant”) (collectively, the “Parties”), by and through their counsel of record, hereby
4 stipulate as follows:

5 WHEREAS, on March 17, 2016, the Court issued a Further Case Management
6 Scheduling Order setting forth the following deadlines: (i) deadline to designate experts:
7 September 30, 2016; (ii) deadline to designate supplemental/rebuttal experts: October 28, 2016;
8 (iii) deadline to file further case management statement: December 1, 2016; (iv) deadline to
9 complete expert and non-expert discovery: December 2, 2016; (v) further case management
10 conference: December 8, 2016; and (vi) deadline to file dispositive pretrial motions: March 2,
11 2017. (ECF No. 110.)

12 WHEREAS, on March 25, 2016, Defendant filed a Motion to Compel Arbitration,
13 Dismiss Claims, and Amend Class Definition (“Motion to Compel Arbitration”). (ECF No. 112.)

14 WHEREAS, on March 28, 2016, the Court issued a Further Case Management
15 Scheduling Order governing the scope of post-certification discovery that, among other
16 limitations, provided that Defendant is entitled to depose twelve (12) percent of the class and
17 propound interrogatories on twenty (20) class members. (ECF No. 115.)

18 WHEREAS, the hearing on Defendant’s Motion to Compel Arbitration was held on
19 May 12, 2016. (ECF No. 124.)

20 WHEREAS, on May 27, 2016, the Court ordered the parties to submit supplemental
21 briefing on the rationale and application of *Lewis v. Epic Systems Corp.*, No. 15-2997, 2016 U.S.
22 App. LEXIS 9638 (7th Cir. May 26, 2016), to Defendant’s Motion to Compel Arbitration.
23 (ECF No. 127.)

24 WHEREAS, on August 5, 2016, the Court issued an order denying Defendant’s Motion
25 to Compel Arbitration. (ECF No. 139.)

26 WHEREAS, the Parties have scheduled a private mediation conference for December 12,
27 2016 to attempt to resolve this matter short of trial.

28

1 WHEREAS, (i) given the timing of the Court's order denying Defendant's Motion to
2 Compel Arbitration in relation to the current discovery deadlines, and (ii) to conserve party and
3 judicial resources prior to the December 2016 mediation session, the Parties agree that there is
4 good cause for a reasonable continuance of the foregoing deadlines.

5 NOW, THEREFORE, the Parties, by and through their counsel of record, hereby
6 stipulate, subject to approval of the Court, to the following revised discovery and law and
7 motion schedule. The pre-trial and trial dates remain unchanged:

8		
9	December 30, 2016	Deadline to designate experts
10	January 30, 2017	Deadline to designate supplemental/rebuttal experts
11	February 15, 2017	Deadline to complete expert and non-expert discovery
12	February 16, 2017	Deadline to file joint case management statement
13	February 23, 2017, 10:00 a.m.	Further case management conference
14	March 30, 2017	Deadline to hear dispositive pretrial motions
15	May 4, 2017	Pre-trial conference (unchanged)
16	May 22, 2017	Trial (unchanged)
17		

18 **IT IS SO STIPULATED.**

19 Respectfully submitted,

20 Date: September 19, 2016

HAYNES AND BOONE, LLP

21 By: /s/ Matthew E. Costello

22 Matthew E. Costello

Attorneys for Defendant

COGENT COMMUNICATIONS, INC.

23 *I, Matthew E. Costello, attest that Monique Olivier
24 has concurred in the filing of this document.

(Civil L.R. 5-1(i).)

25
26 Date: September 19, 2016

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

27 By: /s/ Monique Olivier

28 Monique Olivier

Attorneys for Plaintiffs

JOAN AMBROSIO, ET AL.

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

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION:

The Court’s Further Case Management Scheduling Order, dated March 17, 2016 (ECF No. 110) (“Scheduling Order”) shall be amended as follows:

December 30, 2016	Deadline to designate experts
January 30, 2017	Deadline to designate supplemental/rebuttal experts
February 15, 2017	Deadline to complete expert and non-expert discovery
February 16, 2017	Deadline to file joint case management statement
February 23, 2017, 10:00 a.m.	Further case management conference
March 30, 2017	Deadline to hear dispositive pretrial motions
May 4, 2017	Pre-trial conference (unchanged)
May 22, 2017	Trial (unchanged)

IT IS SO ORDERED.

Date: 9/20/16



Judge Richard Seeborg
United States District Court