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 13 COGENT COMMUNICATIONS, INC.

14 (*Additional Counsel on Following Page*)

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

18 JOAN AMBROSIO et al., on behalf of  
 19 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 AND ~~[PROPOSED]~~  
 ORDER TO CONTINUE ALL DATES  
 AND DEADLINES PENDING FINAL  
 SETTLEMENT APPROVAL;  
 DECLARATION OF MATTHEW E.  
 COSTELLO IN SUPPORT THEREOF**

[Civil L.R. 6-2]

Complaint filed: May 12, 2014  
 Trail date: May 22, 2017

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Attorneys for Plaintiffs  
JOAN AMBROSIO, ET AL.

1 **STIPULATION**

2 Pursuant to Civil Local Rule (“L.R.”) 6-2, Plaintiffs Joan Ambrosio, et al. and  
3 Defendant Cogent Communications, Inc. (collectively, the “Parties”), by and through their  
4 counsel of record, hereby stipulate to continue all pending deadlines in this matter, as follows:

5 WHEREAS, on December 12, 2016, the Parties attended a private mediation conference  
6 to attempt to resolve this matter in good faith.

7 WHEREAS, on December 21, 2016, the Parties reached a settlement in principle of all  
8 claims in this action.

9 WHEREAS, Plaintiffs anticipate filing a motion for preliminary approval of class action  
10 settlement within approximately 30 days of the filing of this Stipulation.

11 WHEREAS, the Parties agree that continuing all dates and deadlines until this Court has  
12 made a decision on final settlement approval will conserve judicial and party resources and  
13 ensure that the Parties will focus their efforts on reaching a final settlement in this case.

14 WHEREAS, pursuant to L.R. 6-2(a), this stipulation is accompanied by the Declaration  
15 of Matthew E. Costello.

16 NOW, THEREFORE, the Parties, by and through their counsel of record, hereby  
17 stipulate, subject to approval of the Court, that:

18 (i) Pursuant to L.R. 6-2(b), all dates and deadlines, including all motion filing  
19 deadlines, all non-expert and expert discovery deadlines, the pretrial conference  
20 date, all pretrial filing deadlines, and the trial date shall be continued until this  
21 Court has made a decision on final settlement approval.

22 (ii) If this Court does not issue final approval of the Parties’ settlement, the Parties  
23 will, within 14 days of the final settlement approval hearing, file a joint  
24 statement setting forth the status of litigation and any dates and deadlines that  
25 will need to be reinstated.

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**IT IS SO STIPULATED.**

Respectfully submitted,

Date: December 22, 2016

HAYNES AND BOONE, LLP

By: /s/ Matthew E. Costello

Matthew E. Costello  
Attorneys for Defendant  
COGENT COMMUNICATIONS, INC.  
*\*I, Matthew E. Costello, attest that Monique Olivier  
has concurred in the filing of this document.  
(Civil L.R. 5-1(i).)*

Date: December 22, 2016

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

By: /s/ Monique Olivier

Monique Olivier  
Attorneys for Plaintiffs  
JOAN AMBROSIO, ET AL.

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~~PROPOSED~~ ORDER

**PURSUANT TO STIPULATION:**

All dates and deadlines, including all motion filing deadlines, all non-expert and expert discovery deadlines, the pretrial conference date, all pretrial filing deadlines, and the trial date are hereby continued until this Court has made a decision on final settlement approval.

If this Court does not issue final approval of the Parties' settlement, the Parties shall, within 14 days of the final settlement approval hearing, file a joint statement setting forth the status of litigation and any dates and deadlines that will need to be reinstated.

**IT IS SO ORDERED.**

Date: 12/27/16

  
\_\_\_\_\_  
Judge Richard Seeborg  
United States District Court