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 12 COGENT COMMUNICATIONS, INC.

13 (*Additional Counsel on Following Page*)

14
 15 **UNITED STATES DISTRICT COURT**
 16 **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 TO: (1) CONTINUE DEADLINES FOR OPPOSITION AND REPLY BRIEFS TO DEFENDANT’S MOTION FOR A STAY AND MOTION TO CERTIFY ORDER FOR INTERLOCUTORY APPEAL; AND (2) CONTINUE HEARING AND CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER

Complaint filed: May 12, 2014

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10 Attorneys for Plaintiffs
11 JOAN AMBROSIO, ET AL.

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1 **STIPULATION**

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

5 WHEREAS, on January 4, 2016, the Court set a case management conference (“CMC”)
6 in this matter for February 4, 2016, at 10:00 a.m. (ECF No. 80.)

7 WHEREAS, on January 19, 2016, Defendant filed a Motion to Certify Order for
8 Interlocutory Appeal (ECF No. 83) (“Motion to Certify”) and a Motion for a Stay Pending
9 Appeal (ECF No. 84) (“Motion to Stay”) (the “Pending Motions”) and set the hearing for March
10 3, 2016.

11 WHEREAS, on January 29, 2016, the clerk of the Court gave notice that the CMC
12 previously set for February 4, 2016 is continued to March 3, 2016, at 1:30 p.m.—the same time
13 and date as the currently scheduled hearing on the Pending Motions.

14 WHEREAS, lead defense counsel, Ms. Tamara Devitt of Haynes and Boone, LLP, is
15 scheduled to be out of state at a firm event in New York City on March 3, 2016. The event has
16 already been publicized to the firm’s clients, Ms. Devitt has already booked travel plans, and
17 she will be one of three primary speakers at the event.

18 WHEREAS, the Parties are available on March 10, 2016, at 1:30 p.m., to appear for a
19 hearing on the Pending Motions and for a CMC.

20 WHEREAS, to conserve party and judicial resources, the Parties agree that the hearing
21 on the Pending Motions and the CMC, currently set for March 3, 2016, should both be
22 continued to March 10, 2016.

23 WHEREAS, the Parties also respectfully request that the Court continue the briefing
24 schedule on the Pending Motions as detailed below. This enlargement of time will provide the
25 Court with ample time to review the papers prior to the hearing on the Pending Motions,
26 especially if it is held concurrently with the CMC on March 10, 2016 instead of March 3, 2016.

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1 NOW, THEREFORE, the Parties, by and through their counsel of record, hereby
2 stipulate, subject to approval of the Court, to the following:

3 (1) The CMC and hearing on the Pending Motions, currently scheduled for March 3,
4 2016, are continued to March 10, 2016, at 1:30 p.m. in the above-entitled Court.

5 (2) The briefing schedule for the Pending Motions shall be as follows:

6 February 9, 2016 Plaintiffs' Opposition to Defendant's Motion to Certify
7 Order for Interlocutory Appeal

8 Plaintiffs' Opposition to Defendant's Motion for a Stay
9 Pending Appeal

10 February 19, 2016 Defendant's Reply Briefs in support of Motion to Certify
11 Order for Interlocutory Appeal and Motion for a Stay
12 Pending Appeal

13 March 10, 2016, 1:30 p.m. Hearing/Case Management Conference

14
15 **IT IS SO STIPULATED.**

16
17 Respectfully submitted,

18
19 Date: February 1, 2016

HAYNES AND BOONE, LLP

20 By: /s/ Matthew E. Costello

21 Matthew E. Costello

22 Attorneys for Defendant

COGENT COMMUNICATIONS, INC.

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

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

25 Date: February 1, 2016

DUCKWORTH PETERS LEBOWITZ OLIVIER LLP

26 By: /s/ Monique Olivier

27 Monique Olivier

Attorneys for Plaintiffs

28 JOAN AMBROSIO, ET AL.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION:

(1) The hearing on Defendant’s Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal, currently set for March 3, 2016, shall be continued to March 10, 2016, at 1:30 p.m., in the above-entitled Court.

(2) The case management conference, currently set for March 3, 2016, shall be continued to March 10, 2016, at 1:30 p.m., in the above-entitled Court.

(3) The revised briefing schedule on Defendant’s Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal is as follows:

February 9, 2016 Plaintiffs’ Opposition to Defendant’s Motion to Certify Order for Interlocutory Appeal

Plaintiffs’ Opposition to Defendant’s Motion for a Stay Pending Appeal

February 19, 2016 Defendant’s Reply Briefs in support of Motion to Certify Order for Interlocutory Appeal and Motion for a Stay Pending Appeal

March 10, 2016, 1:30 p.m. Hearing/Case Management Conference

IT IS SO ORDERED.

Date: 2/2/16


Judge Richard Seeborg
United States District Court

1 **PROOF OF SERVICE**

2 I hereby certify that on February 1, 2016, I filed the foregoing document:

3 **STIPULATION TO: (1) CONTINUE DEADLINES FOR OPPOSITION AND**
4 **REPLY BRIEFS TO DEFENDANT’S MOTION FOR A STAY AND MOTION TO**
5 **CERTIFY ORDER FOR INTERLOCUTORY APPEAL; AND (2) CONTINUE**
6 **HEARING AND CASE MANAGEMENT CONFERENCE** with the Court through this
7 district’s CM/ECF system. Pursuant to Local Rule 5-1(e), the “Notice of Electronic Filing”
8 automatically generated by the CM/ECF at the time the document is filed with the system
9 constitutes automatic service of the document on counsel of record who have consented to
10 electronic service.

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13 /s/ Breean Cordova
14 Breean Cordova
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