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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

20 IN RE UBER FCRA LITIGATION

Case No.: 14-cv-05200-EMC

**STIPULATION REGARDING AMENDED
CONSOLIDATED COMPLAINT AND
RESPONSIVE PLEADING DEADLINE**

Before: Hon. Edward M. Chen

Trial Date: None Set

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28 Attorneys for Defendant HIREASE, LLC

1 The parties, through their undersigned counsel, hereby agree and stipulate to: (a) allow
2 Plaintiffs to file an amended consolidated complaint, and (b) extend the deadline for Defendants to file
3 their responsive pleading to same, as set forth more fully herein. In support thereof, the parties state as
4 follows:

5 1. On October 15, 2015, Plaintiffs filed the operative master consolidated complaint.
6 (ECF 109.)

7 2. On March 30, 2016, the parties participated in mediation before a private mediator.
8 While the mediation was productive, the parties were unable to reach resolution on March 30, 2016,
9 and are scheduling a second day of mediation (with ongoing dialogue in the meantime).

10 3. Under the current scheduling order, Defendants' deadline to respond to the operative
11 complaint is April 15, 2016.

12 4. Meanwhile, in light of documents produced during discovery, and in accordance with
13 Fed. R. Civ. P. 15(a)(2), Plaintiffs will file an amended consolidated complaint in the form attached
14 hereto. Plaintiffs have circulated the draft amended consolidated complaint to Defendants, in clean
15 and redlined form. The amended consolidated complaint will supersede the current complaint if
16 allowed.

17 5. For sake of efficiency of the parties and the Court, the parties have agreed that
18 Defendants will stipulate to Plaintiffs' ability to file the amended consolidated complaint.

19 6. In exchange, and also for sake of the efficiency of the parties and the Court, the parties
20 have agreed that Defendants should have until thirty (30) days after the amended consolidated
21 complaint is filed or thirty (30) days after the second day of mediation occurs, whichever is later, to
22 file their responsive pleading to the amended consolidated complaint. This will allow the parties to
23 focus their time most efficiently on attempted resolution of the claims raised in the amended
24 consolidated complaint. In addition, Plaintiffs' proposed amended complaint adds new national class
25 claims against Hirease for the first time, which Defendants will need to investigate and respond to.¹

26 _____
27 ¹ Defendants contend – though Plaintiffs disagree – that the Ninth Circuit's recent grant of the Rule
28 23(f) petition in the *O'Connor* case also warrants further delay of proceedings in this matter given the
potential overlap of arbitration related issues in the two cases.

1 7. The parties agree to file a notice with the Court once the second day of mediation is
2 scheduled, informing the Court of that date.

3 8. As such, the parties have agreed, and respectfully request that the Court order that
4 Plaintiffs may file their amended consolidated complaint in the form attached hereto, Defendants need
5 not file any response to the current consolidated complaint, and Defendants shall have the later of 30
6 days after the filing of same or the second day of mediation, whichever is later, to file their responsive
7 pleading to the amended consolidated complaint.

8
9 **IT IS SO AGREED AND STIPULATED:**

10 Dated: April 12, 2016

Respectfully submitted,

11 GOLDSTEIN, BORGEN, DARDARIAN & HO

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1 Dated: April 12, 2016

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9 Dated: April 12, 2016

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16 **ATTESTATION OF FILER**

17 I, Emily E. O'Connor, attest that concurrence in the filing of this document has been obtained
18 from each of the other Signatories, which shall serve in lieu of their signatures on the document.

19 Signed this 12th day of April, 2016.

20
21 /s/ Emily E. O'Connor

22
23 **IT IS SO ORDERED:**

The amended consolidated complaint shall be filed as a
24 separate document.

25
26 **HONORABLE EDWARD M. CHEN**

