

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KERRY REARDON, et al.,
Plaintiffs,
v.
UBER TECHNOLOGIES, INC.,
Defendant.

Case No. 14-cv-05678-JST

**ORDER NOTING CONTINUANCE OF
DEFENDANT’S RESPONSIVE
PLEADING DEADLINE AS TO
PLAINTIFFS MCKINNEY AND PAL**

Re: ECF Nos. 23, 24

Defendant has filed an Ex Parte Application for Leave to Clarify and/or Continue Defendant’s Responsive Pleading Deadline as to Plaintiffs Julie McKinney and Sandeep Pal. ECF No. 23. In the application, Defendant explains that it will file a motion to dismiss as to five of the named plaintiffs in this case, but will not file a motion to dismiss as to two plaintiffs—McKinney and Pal.¹ Defendant further explains that it understands Federal Rule of Civil Procedure 12(a)(4), in circumstances like these, to extend the deadline for filing its responsive pleading as to all plaintiffs—including those who are not subject to the motion to dismiss—until fourteen days after notice of the Court’s ruling on the motion to dismiss. Defendant contends that it discussed this matter with Plaintiffs and sought to reach an agreement, but that Plaintiffs did not agree.

Plaintiffs have filed a response to Defendant’s ex parte application. ECF No. 24. Plaintiffs contend that Defendant actually requested not only a continuation of Defendant’s deadline to file a responsive pleading, but also a stay of all discovery during the pendency of the motion to dismiss. While Plaintiffs did and will not agree to stay discovery, they do not oppose an extension of the deadline to file a responsive pleading, and will agree to extend the deadline as Defendant requested.


¹ Defendant has since filed a motion to dismiss as to five named plaintiffs, but not as to McKinney and Pal. See ECF No. 25.

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Because the parties agree that the deadline for Defendant to file a responsive pleading as to Plaintiffs McKinney and Pal may be continued until fourteen days after the Court's ruling on Defendant's Motion to Dismiss, that deadline is effectively extended to that date. See Civil Local Rule 6-1 (permitting parties to stipulate in writing, without court order, to extend the time within which to answer or otherwise respond to a complaint, so long as the stipulation will not alter the date of any event or deadline the Court has already fixed).

IT IS SO ORDERED.

Dated: March 3, 2015



JON S. TIGAR
United States District Judge