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18 *Attorneys for Defendant Uber Technologies,
 19 Inc.*

20 UNITED STATES DISTRICT COURT
 21 FOR THE NORTHERN DISTRICT OF CALIFORNIA

22 JAMES LATHROP, JULIE MCKINNEY,
 23 JONATHAN GRINDELL, SANDEEP PAL,
 24 JENNIFER REILLY, and JUSTIN BARTOLET
 25 on behalf of themselves and all others similarly
 26 situated,

27 Plaintiffs,

28 v.

29 UBER TECHNOLOGIES, INC.,

30 Defendant.

Civil Action No.: 14-cv-05678-JST

Honorable Jon S. Tigar

**STIPULATION TO AMEND
 SCHEDULING ORDER**

31 Plaintiffs James Lathrop, Julie McKinney, Jonathan Grindell, Sandeep Pal, Jennifer Reilly,
 32 and Justin Bartolet (collectively, "Plaintiffs") and Defendant Uber Technologies, Inc. ("Defendant"),
 33 by and through their respective attorneys of record, stipulate and agree as follows:

34 WHEREAS, Defendant filed a motion to dismiss on February 27, 2015 (Dkt. No. 25);

35 WHEREAS, Plaintiffs served their first set of document requests on May 21, 2015;

1 WHEREAS, Defendant served objections to that discovery on June 22, 2015, objecting on a
2 variety of grounds, including objecting in light of the then-pending motion to dismiss;

3 WHEREAS, Plaintiffs served their first set of interrogatories on June 15, 2015;

4 WHEREAS, Defendant responded to that discovery on July 14, 2015;

5 WHEREAS, on July 19, 2015, the Court granted in part, and denied in part, the motion to
6 dismiss (Dkt. No. 49);

7 WHEREAS, Plaintiffs also served two additional sets of interrogatories on July 30, 2015 and
8 August 7, 2015 respectively and an additional set of document requests on July 30, 2015;

9 WHEREAS, counsel for Plaintiffs met and conferred with then-Counsel for Defendant on
10 numerous occasions—both in writing and via telephone—about discovery;

11 WHEREAS, on August 6, 2015, Defendant served its first document production;

12 WHEREAS, on August 10, 2015, Plaintiffs’ counsel proposed search terms for ESI
13 discovery and Defendant agreed to those search terms with no revisions;

14 WHEREAS, on or about September 10, 2015, counsel for Plaintiffs learned that Uber was
15 substituting its counsel. Uber filed its Notice of Consent to Substitution of Counsel on September
16 14, 2015. (Dkt. No. 59). This Court entered an order substituting counsel on September 15, 2015
17 (Dkt. No. 60). Upon their entry into the case, substituted counsel for Defendant requested a two-
18 week extension to respond to Plaintiffs’ discovery, which Plaintiffs agreed to;

19 WHEREAS, on or about September 24, 2015, Plaintiffs initiated service of a subpoena on
20 Uber’s vendor, third party Twilio, Inc. Twilio, Inc. served its responses—largely objections—to that
21 subpoena on October 14, 2015;

22 WHEREAS, counsel for Plaintiffs and counsel for Defendant have been diligently working
23 to complete discovery in this matter and, thus far, have managed their discovery-related
24 disagreements without Court intervention;

25 WHEREAS, on September 28, 2015, and pursuant to the Parties’ agreement, Defendant
26 served: (1) amended responses to Plaintiffs’ first set of document requests, (2) responses to
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1 Plaintiffs' second set of document requests, (3) responses to Plaintiffs' second and third sets of
2 interrogatories, and (4) an additional document production;

3 WHEREAS, for the past month, counsel for the Parties have been meeting and conferring on
4 a very regular basis about a number of discovery issues, including the ongoing discovery of ESI, the
5 additional documents requested by Plaintiffs, and the timing of depositions;

6 WHEREAS, while Defendant has produced documents to date, and pursuant to the ongoing
7 meet and confer process, Defendant is continuing the process of searching for additional responsive
8 documents, including any additional electronic discovery;

9 WHEREAS, Plaintiffs' position is that they cannot proceed to prepare and serve their expert
10 report(s) – which, according to the current Scheduling Order, are due November 13, 2015 – until
11 such time as they finish meeting and conferring about the production of documents, receive any
12 additional document production, review the documents, and take related deposition testimony;

13 WHEREAS, the Parties do not seek to unduly delay this case. Indeed, both Parties desire a
14 prompt resolution of this matter and have worked together to reach such a resolution;

15 WHEREAS, the Parties have also been discussing the parameters of pursuing Mediation and
16 are in the process of selecting a mediator. The additional time afforded by the proposed amended
17 schedule will also be used to facilitate the mediation;

18 WHEREAS, Defendant's counsel has informed Plaintiffs' counsel that it intends to file a
19 Motion to Stay this case pending appeal of the FCC's Omnibus Order to the U.S. Court of Appeals
20 for the District of Columbia (Case No. 15-1211) and the Supreme Court decision in *Spokeo v.*
21 *Robins*, 135 S. Ct. 1892 (2015). To date, Defendant has filed such Motions to Stay in two other
22 pending TCPA cases, *Vergara v. Uber Technologies, Inc.*, Case No. 15-6942 (Dkt. No. 12), pending
23 in the Northern District of Illinois and *Kolloukian v. Uber Technologies, Inc.*, Case No. 15-2856
24 (Dkt. No. 41), pending in the Central District of California. Those motions are currently in the
25 process of being briefed;

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1 WHEREAS, the Parties agree that an extension of time for Plaintiffs to serve their expert
2 designation is reasonable under the above-described circumstances, and that commensurate
3 extensions should be made to the other deadlines.

4 IT IS HEREBY STIPULATED THAT:

5 The Parties agree, subject to Court approval, to amend the deadlines as follows:

Activity	Current Deadline	Requested Deadline
Plaintiffs' expert designation	November 13, 2015	February 19, 2016
Defendant's expert designation	December 18, 2015	March 18, 2016
Plaintiffs' Motion for class certification	February 12, 2016	May 20, 2016
Opposition to class certification	March 11, 2016	June 20, 2016
Reply to class certification	March 25, 2016	July 5, 2016
Further case management conference	May 25, 2016	September 2016 (Date and Time TBD)
Deadline to file dispositive motions	60 days after the order on class certification	60 days after the order on class certification

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Currently, May 25, 2016 is the next Case Management Conference. The Parties are
conscious the Court will want sufficient time to review and analyze the Parties' class certification
briefing and evidence, and that the requested amendments to the briefing schedule may impact the
Court's preparation for the hearing. As such, the Parties respectfully request that the Court advise
them of a new date and time for the hearing and further Case Management Conference.

Additionally, the parties recognize that these dates are subject to the decision on Defendant's
yet-to-be-filed Motion to Stay and the outcome of the proposed mediation.

Pursuant to Local Civil Rule 6-2(a), attached as Exhibit A is a joint declaration in support of
this Stipulation.

DATED: October 30, 2015

TYCKO AND ZAVAREEI, LLP

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By /s/ Hassan A. Zavareei
Hassan A. Zavareei

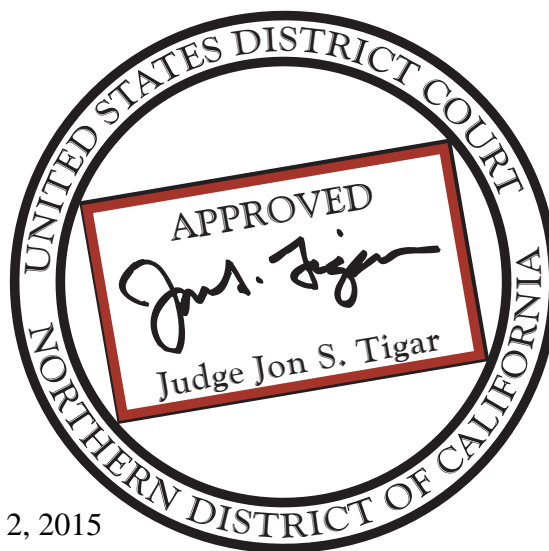
Attorneys for Plaintiffs

DATED: October 30, 2015

PERKINS COIE LLP

By /s/ James Snell
James Snell

Attorneys for Defendant



Dated: November 2, 2015

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

The Honorable Jon S. Tigar
UNITED STATES DISTRICT JUDGE

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation.

DATED: October 30, 2015

TYCKO AND ZAVAREEI, LLP

By /s/ Hassan A. Zavareei
Hassan A. Zavareei

Attorneys for Plaintiffs