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26 UNITED STATES DISTRICT COURT

27 NORTHERN DISTRICT OF CALIFORNIA

28 HAKAN YUCESOY, on behalf of himself
 and all others similarly situated,

Plaintiff,

v.

UBER TECHNOLOGIES, INC., TRAVIS
 KALANICK, and RYAN GRAVES,

Defendants.

Case No. 3:15-cv-00262-EMC

**JOINT STIPULATION TO CONTINUE
 DEFENDANTS' DEADLINE TO RESPOND
 TO PLAINTIFF'S COMPLAINT**

PURSUANT TO LOCAL RULE 6-1

Complaint Filed: June 26, 2014

1 Pursuant to Local Rule 6-1, Plaintiff Hakan Yucesoy (“Plaintiff”) and Defendants Uber
2 Technologies, Inc., Travis Kalanick, and Ryan Graves (“Defendants”) (collectively, the
3 “Parties”), by and through their respective counsel of record, hereby stipulate and agree as
4 follows:

5 WHEREAS, on October 21, 2014, Defendants removed this case from the Superior Court
6 of the Commonwealth of Massachusetts, Suffolk County to the United States District Court for
7 the District of Massachusetts;

8 WHEREAS, on October 28, 2014, Defendants filed a Motion to Dismiss, or In The
9 Alternative, Transfer Venue to the United States District Court for the Northern District of
10 California to be a related case to *O’Connor v. Uber*, Case No. C-13-3826-EMC, currently
11 pending before Judge Chen;

12 WHEREAS, on January 16, 2015, Judge F. Dennis Saylor of the United States District
13 Court for the District of Massachusetts ordered this case transferred to the United States District
14 Court for the Northern District of California;

15 WHEREAS, Defendants’ initial deadline to respond to Plaintiff’s complaint following
16 transfer was January 30, 2015;

17 WHEREAS, on January 27, 2015, the parties entered into and filed a joint stipulation
18 extending Defendants’ deadline to respond to Plaintiff’s Complaint until March 2, 2015.

19 WHEREAS, on February 26, 2015, Plaintiff filed an Amended Complaint, adding a
20 second plaintiff and four causes of action.¹

21 WHEREAS, on February 26, 2015, Defendants’ counsel notified Plaintiff’s counsel that
22 the filing of this Amended Complaint was improper under Federal Rule 15, and Plaintiff’s

23 _____
24 ¹ Plaintiff’s counsel erroneously believed the Amended Complaint could be filed as a matter of
25 right because an Answer has not yet been filed, neglecting to note that Rule 15 was amended
26 in 2009 to require amendments as a matter of right to be filed within 21 days of service of a
27 Rule 12(b) motion. As soon as Defendants’ counsel pointed this out (shortly after the filing),
28 Plaintiff’s counsel immediately agreed to withdraw the Amended Complaint and replace it
with a Motion to Amend, if Defendants are going to oppose the filing of the Amended
Complaint, or if Defendants are not going to oppose the filing of the Amended Complaint,
Plaintiff’s counsel suggested that the Amended Complaint could simply remain on file.
Plaintiff’s counsel apologizes for this harmless error and has agreed to enter into this
stipulation with Defendants in order to preserve all parties’ rights.

1 counsel agreed that either stipulation of the parties or leave of the Court is required for Plaintiff to
2 file an Amended Complaint.

3 WHEREAS, lead counsel for Defendants is currently out of the country, and will not
4 return to the United States until March 1, 2015.

5 WHEREAS, the parties have agreed that, upon lead counsel's return to the United States,
6 the parties will meet and confer regarding whether Defendants will stipulate to permit Plaintiff to
7 file an Amended Complaint.

8 WHEREAS, to allow the parties time to meet and confer regarding the filing of an
9 amended complaint, the parties have agreed to extend Defendants' deadline to respond to
10 Plaintiff's initial Complaint to March 17, 2015.

11 WHEREAS, if the parties agree to stipulate to Plaintiff's filing of an Amended Complaint,
12 by no later than March 17, 2015, Plaintiff will withdraw the Amended Complaint filed on
13 February 26, 2015 and re-file the Amended Complaint concurrently with the parties' stipulation.
14 Plaintiff agrees that the filing of the Amended Complaint on February 26, 2015 will not constitute
15 filing or service of a pleading on that date. Defendants' time to respond to any amended
16 complaint will be governed by Federal Rule of Civil Procedure 15.

17 WHEREAS, if Defendants do not agree to permit Plaintiff to file an Amended Complaint,
18 by no later than March 17, 2015, Plaintiff will withdraw the Amended Complaint and move this
19 Court for leave to file an amended complaint. Only after obtaining leave from the Court, Plaintiff
20 will file an Amended Complaint as ordered. Plaintiff agrees that the filing of the Amended
21 Complaint on February 26, 2015 will not constitute filing or service of pleading on that date.
22 Defendants' time to respond to any amended complaint will be governed by Federal Rule of Civil
23 Procedure 15.

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1 NOW THEREFORE IT IS HEREBY STIPULATED THAT, pursuant to Local Rule 6-1,
2 the deadline for Defendants to respond to Plaintiff's Complaint be continued until March 17,
3 2015.

4 Dated: February 27, 2015

LICHTEN & LISS-RIORDAN, P.C.

6 By: /s/ Shannon Liss-Riordan
Shannon Liss-Riordan
7 Attorneys for Plaintiffs

8 Dated: February 27, 2015

MORGAN, LEWIS & BOCKIUS LLP

10 By: /s/ Sacha M. Steenhoek
Robert Jon Hendricks
11 Sacha M. Steenhoek
12 Attorneys for Defendants

13 **ECF ATTESTATION**

14 I, Sacha M. Steenhoek, am the ECF User whose ID and Password are being used to file
15 this STIPULATION TO CONTINUE DEFENDANTS' DEADLINE TO RESPOND TO
16 COMPLAINT. In compliance with Local Rule 5-1(i)(3), I hereby attest that Shannon Liss-
17 Riordan has concurred in this filing.

18 Dated: February 27, 2015

MORGAN, LEWIS & BOCKIUS LLP

20 By /s/ Sacha M. Steenhoek
21 Robert Jon Hendricks
22 Sacha M. Steenhoek
23 Attorneys for Defendants
24 UBER TECHNOLOGIES, INC., TRAVIS
25 KALANICK, and RYAN GRAVES

