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Attorneys for Defendants  
 VIRGIN AMERICA INC.  
 and ALASKA AIRLINES, INC.

17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 JULIA BERNSTEIN, LISA MARIE SMITH,  
 20 and ESTHER GARCIA, on behalf of  
 21 themselves and all others similarly situated,

22 Plaintiffs,

23 vs.

24 VIRGIN AMERICA INC.; ALASKA  
 25 AIRLINES, INC. and Does 1-10, inclusive;

26 Defendants.

Case No. 15-cv-02277-JST

**CLASS ACTION**

**STIPULATION TO:**

**(1) MODIFY BRIEFING SCHEDULE  
 FOR DEFENDANTS' MOTION FOR  
 STAY OF EXECUTION OF  
 JUDGMENT AND SETTING OF  
 SUPERSEDEAS BOND AMOUNT;  
 AND**

**(2) TO EXTEND STAY OF  
 ENFORCEMENT PENDING  
 RESOLUTION OF THE FOREGOING  
 ISSUE; [~~PROPOSED~~] ORDER**

1 Plaintiffs Julia Bernstein, Esther Garcia and Lisa Marie Smith (“Plaintiffs”) and  
2 Defendants Virgin America Inc. and Alaska Airlines, Inc. (“Defendants”) (collectively, the  
3 “Parties”), through their counsel, hereby stipulate and agree that:

4 WHEREAS, the Court entered judgment on February 4, 2019 (Dkt. 367);

5 WHEREAS, on February 14, 2019, the Court granted the Parties’ request (Dkt. 368) to  
6 continue the deadline for Defendants to file a motion for stay of execution of judgment through  
7 appeal and to set the amount of a supersedeas bond to March 13, 2019, set Plaintiffs’ deadline to  
8 file any opposition to such motion on April 3, 2019, and set Defendants’ deadline to reply on  
9 April 17, 2019 (Dkt. 369);

10 WHEREAS, on February 14, 2019, the Court further granted the Parties’ request for an  
11 extension of stay of execution and enforcement of judgment by which any execution or  
12 enforcement of the judgment was stayed until through ten (10) court days after the Court set the  
13 amount of a supersedeas bond or the Court approved a stipulation submitted by the Parties  
14 resolving the amount of the supersedeas bond (Dkt. 369);

15 WHEREAS, the Parties have met and conferred regarding Defendants’ motion for stay of  
16 execution of judgment through appeal and to set the amount of a supersedeas bond in an attempt  
17 to resolve these issues through stipulation;

18 WHEREAS, as of March 12, 2019, the Parties have reached an agreement regarding the  
19 amount of a supersedeas bond and continue to meet and confer regarding the form of the  
20 supersedeas bond; and

21 WHEREAS, the additional time provided for by this stipulation will facilitate those  
22 discussions;

23 IT IS NOW HEREBY STIPULATED AND AGREED that:

24 Pursuant to N.D. Cal. L.R. 6-2, the Parties agree to:

- 25 a. Continue Defendants’ deadline to file: (i) a stipulation and proposed order for  
26 approval of supersedeas bond and to continue stay of execution and enforcement  
27 of judgment pending appeal; or (ii) if a stipulation cannot be reached, a bond  
28 motion for stay of execution of judgment through appeal and to set the amount of a

1 supersedeas bond from March 13, 2019 to March 20, 2019. The Parties further  
2 agree to continue Plaintiffs' deadline to file any opposition to such motion to April  
3 10, 2019, and extend Defendants' deadline to reply to April 24, 2019; and  
4 b. The current automatic stay of enforcement of judgment is continued through ten  
5 (10) court days after the Court has set the amount of a supersedeas bond or has  
6 approved a stipulation submitted by the Parties resolving the amount of the  
7 supersedeas bond.

8 SO STIPULATED.

9  
10 Date: March 13, 2019

Respectfully submitted,

11 OLIVIER SCHREIBER & CHAO LLP

12 /s/ Monique Olivier\*

Monique Olivier

13 Attorneys for Plaintiffs and the Certified Class

14 Date: March 13, 2019

MORGAN LEWIS & BOCKIUS

15 /s/ Brendan T. Killeen

16 Brendan T. Killeen

17 Attorneys for Defendants

18  
19 \*I, Brendan T. Killeen, have obtained the consent of Monique Olivier to this filing,  
20 pursuant to the Local Rules.

21  
22 Additional Plaintiffs' Counsel:

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**PROPOSED ORDER**

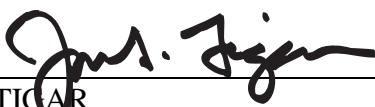
PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The deadline for Defendants to file: (a) a stipulation and proposed order for approval of supersedeas bond and to continue stay of execution and enforcement of judgment pending appeal; or (b) if a stipulation cannot be reached, a bond motion for stay of execution of judgment through appeal and to set the amount of a supersedeas bond file a motion to stay of execution of judgment through appeal and to set the amount of a supersedeas bond, is continued from March 13, 2019 to March 20, 2019. Plaintiffs' deadline to file any opposition to such motion is April 10, 2019, and Defendants' deadline to reply is April 24, 2019; and

2. The current automatic stay of enforcement of judgment is continued through ten (10) court days after the Court has set the amount of a supersedeas bond or has approved a stipulation submitted by the Parties resolving the amount of the supersedeas bond.

**IT IS SO ORDERED.**

Dated: March 14, 2019

  
\_\_\_\_\_  
JON S. TIGAR  
UNITED STATES DISTRICT JUDGE