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7
 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
 11 WILLIAM RUSHING, Individually and on
 Behalf of all Others Similarly Situated,
 12
 13 Plaintiff,

14 v.

15 WILLIAMS-SONOMA, INC., a Delaware
 corporation, also d/b/a Williams-Sonoma, and
 16 Williams-Sonoma Home, Pottery Barn, PB
 Teen, and PB Dorm, Pottery Barn Kids,
 17 Pottery Barn Baby, and West Elm;
 WILLIAMS-SONOMA DTC, INC., a
 18 California corporation; WILLIAMS-
 SONOMA ADVERTISING, INC., a
 19 California corporation; and DOES 1-30,

20 Defendants.

Case No. 3:16-cv-01421 WHO

Assigned to the Hon. William H. Orrick

CLASS ACTION

**STIPULATION TO CONTINUE
 HEARING DATE AND BRIEFING
 SCHEDULE FOR DEFENDANTS'
 MOTION TO CERTIFY ORDER FOR
 INTERLOCUTORY APPEAL TO THE
 NINTH CIRCUIT AND STAY
 PROCEEDINGS [DKT. 184]**

Complaint Filed:	January 29, 2016
Action Removed:	March 23, 2016
7th Amd. Complaint Filed:	April 4, 2017
Trial Date:	None Set

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to Northern District of California Local Rules 6-1(b), 6-2, 7-7(a), and 7-12,
3 Plaintiff William Rushing (“Plaintiff”) and Defendants Williams-Sonoma, Inc., Williams-Sonoma
4 DTC, Inc., and Williams-Sonoma Advertising, Inc. (collectively “Williams-Sonoma”), by and
5 through their respective counsel, hereby stipulate and jointly request that the Court approve the
6 hearing date and briefing schedule agreed upon by the parties regarding Williams-Sonoma’s
7 Motion to Certify Order on Pending Motions and Order Denying Motions for Leave to File
8 Motion for Reconsideration for Interlocutory Appeal to the Ninth Circuit and Stay Proceedings
9 (“Motion for Certification and Stay” or “Motion”), Dkt. 184, as set forth below.

10 **RECITALS**

11 WHEREAS, on January 9, 2019, Williams-Sonoma filed a Notice of Motion and Motion
12 for Certification and Stay, Dkt. 184.

13 WHEREAS, under the Federal Rules of Civil Procedure and Local Rules of the Northern
14 District of California, and the deadlines set forth on CM-ECF, Plaintiff’s Response to Williams-
15 Sonoma’s Motion would be due by January 23, 2019, and Defendants’ Reply would be due by
16 January 30, 2019.

17 WHEREAS, Williams-Sonoma scheduled the hearing on their Motion for 2:00 p.m. on
18 February 13, 2019.

19 WHEREAS, Plaintiff’s counsel is traveling for previously scheduled out-of-state meetings
20 and conducting on-campus interviews for law students from January 17, 2019 until January 22,
21 2019. Plaintiff’s counsel, who reside in San Diego and Phoenix, are also unavailable to travel to
22 San Francisco for the hearing date Williams-Sonoma originally noticed. Plaintiff’s counsel
23 requested that both the briefing schedule and hearing date be continued for one week to
24 accommodate their schedules.

25 WHEREAS, Williams-Sonoma renewed its request that Plaintiff agree to a stay of the case
26 pending a decision on the Motion for Certification and Stay when Plaintiff requested an extension
27 of time to respond to the Motion and to continue the hearing date and Plaintiff denied the request
28 for a stay.

1 WHEREAS, Williams-Sonoma’s counsel is unavailable to attend a hearing on February
2 20, 2019, the alternative hearing date Plaintiff proposed .

3 WHEREAS, the parties have nevertheless agreed to modify the briefing deadlines and
4 hearing date as follows:

- 5 • Deadline for Plaintiff to File a Response: January 30, 2019
- 6 • Deadline for Defendants to File a Reply: February 6, 2019
- 7 • Proposed Hearing Date: February 27, 2019

8 WHEREAS, all previous time modifications in the case are as follows:

- 9 • on March 29, 2016, the parties stipulated to extend Defendants’ deadline to respond
10 to the First Amended Complaint from March 30, 2016 to April 20, 2016;
- 11 • on May 5, 2016, pursuant to stipulation of the parties, the Court continued the June
12 21, 2016 Case Management Conference to September 6, 2016;
- 13 • on June 23, 2016, the parties stipulated to extend Defendants’ deadline to respond
14 to the Third Amended Class Action Complaint from June 23, 2016 to June 27,
15 2016;
- 16 • on August 4, 2016, pursuant to stipulation of the parties, the Court continued the
17 September 6, 2016 Case Management Conference to September 13, 2016;
- 18 • on August 23, 2016, pursuant to stipulation of the parties, the Court continued the
19 September 13, 2016 Case Management Conference, and on September 26, 2016 the
20 Court scheduled the Case Management Conference for November 8, 2016;
- 21 • on October 5, 2016, pursuant to stipulation of the parties, the Court continued
22 Defendants’ deadline to respond to Plaintiff’s Fourth Amended Class Action
23 Complaint, set the briefing schedule for Defendants’ response to Plaintiff’s Fifth
24 Amended Class Action Complaint, set the hearing on Defendants motion to dismiss
25 for January 11, 2017, and continued the Case Management Conference to February
26 7, 2016;
- 27 • on December 6, 2016, pursuant to stipulation of the parties, the Court extended the
28 opposition and reply briefing deadlines, continued the hearing on Defendants’

1 motion to dismiss to February 8, 2017, and continued the Case Management
2 Conference to February 28, 2017;

- 3 • on January 20, 2017, the Court granted the parties' stipulated request to continue
4 the hearing on Defendants' motion to dismiss from February 8, 2017 until February
5 22, 2017;
- 6 • on February 8, 2017, the Court continued the case management conference from
7 February 28, 2017 to March 14, 2017;
- 8 • on March 8, 2017, the Court continued the case management conference from
9 March 14, 2017 to April 4, 2017;
- 10 • on May 30, 2017, the Court extended the deadline to conduct the Early Neutral
11 Evaluation from June 5, 2017 to August 21, 2017;
- 12 • on November 30, 2017, the Court continued the certification discovery and briefing
13 deadlines as set out in Dkt. 101;
- 14 • on January 16, 2018, pursuant to stipulation of the parties, the Court continued the
15 certification discovery and briefing deadlines as set forth in Dkt. 103;
- 16 • on March 22, 2018, pursuant to stipulation of the parties, the Court continued the
17 certification discovery and briefing deadlines as set forth in Dkt. 117;
- 18 • on April 18, 2018, pursuant to stipulation of the parties, the Court extended the
19 briefing schedule for Defendants' Motion for Summary Judgment as set forth in
20 Dkt. 122; and,
- 21 • on September 27, 2018, the Court vacated the briefing schedule and hearing on
22 Plaintiff's Motion for Class Certification.

23 WHEREAS, the continuance requested by the parties will not otherwise affect the schedule
24 for the case.

25 WHEREAS, Kathryn Honecker attests that Robert Guite concurs in filing this stipulation.
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1 **STIPULATION**

2 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, by and
3 through their respective counsel, that the schedule should be modified as follows:

- 4 • The deadline for Plaintiff to file his response to Defendants’ Motion for
5 Certification and Stay is extended from January 23, 2019, to January 30, 2019;
- 6 • The deadline for Defendants to file their reply is extended from January 30, 2019,
7 to February 6, 2019;
- 8 • The hearing for Defendants’ Motion is continued from February 13, 2019, to
9 February 27, 2019, at 2:00 p.m.

10 **IT IS SO STIPULATED.**

11
12 Dated: January 15, 2019

ROSE LAW GROUP, PC

13
14 /s/ Kathryn Honecker
Kathryn Honecker (*pro hac vice*)

15 -and-

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27 *Attorneys for Plaintiffs and the Proposed Class*

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Dated: January 15, 2019


SHEPPARD MULLIN RICHTER & HAMPTON LLP

By /s/ Robert J. Guite
P. Craig Cardon
Robert J. Guite
Benjamin O. Aigboboh

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: January 22, 2019



The Honorable William H. Orrick
United States District Judge