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13	Attorneys for Defendants						
14	UNITED STATES	DISTRICT COURT					
15	NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION						
16	WILLIAM RUSHING, Individually and on	Case No. 3:16-cv-01421-WHO					
17	Behalf of all Others Similarly Situated,	Assigned to the Hon. William H. Orrick					
18	Plaintiff,	CLASS ACTION					
19	v.	STIPULATED REQUEST TO EXTEND					
20	WILLIAMS-SONOMA, INC., a Delaware	BRIEFING SCHEDULE, HEARING DATE, AND CMC AND ORDER					
21	corporation, also d/b/a Williams-Sonoma, and Williams-Sonoma Home, Pottery Barn, PB	Complaint Filed: January 29, 2016					
22	Teen, and PB Dorm, Pottery Barn Kids,	Action Removed: Sandary 23, 2016  March 23, 2016					
23	Pottery Barn Baby, and West Elm;	5th Am. Complaint Filed: October 24, 2016					
۷۵	WILLIAMS-SONOMA DTC, INC., a California corporation; WILLIAMS-	Trial Date: None Set					
24	SONOMA ADVERTISING, INC., a						
25	California corporation; and DOES 1-30,						
26	Defendants.						
27		•					

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

Pursuant to Northern District of California Local Rule 6-1(b) and 6.2, Plaintiff William Rushing ("Plaintiff") and Defendants Williams-Sonoma, Inc., Williams-Sonoma DTC, Inc., and Williams-Sonoma Advertising, Inc. (collectively "Defendants"), by and through their respective counsel, hereby respectfully stipulate and jointly request that the Court extend the briefing and hearing schedule for Defendants' Motion to Dismiss, or, in the Alternative, Motion to Strike Portions of, Fifth Amended Complaint ("Motions") (Doc. No. 50) and continue the Case Management Conference as currently set forth in the Stipulated Request and Order: (1) Extending Deadline to Respond to Fourth Amended Complaint; (2) Setting Deadline to Respond to Proposed Fifth Am. Complaint; (3) Setting Briefing Schedule for Anticipated Motion to Dismiss; and (4) Continuing Nov. 8, 2016 CMC (Doc. No. 48).

#### RECITALS

WHEREAS, Plaintiff filed his Fourth Amended Class Action Complaint (Dkt. 43) on September 14, 2016;

WHEREAS, Plaintiff intended to and did file his Fifth Amended Class Action Complaint (Dkt. 49) on October 24, 2016, which added additional damages claims under the Consumer Legal Remedies Act, California Civil Code § 1782(b).

WHEREAS, because the parties' agreed that Plaintiff's Fifth Amended Complaint would render moot any response to the Fourth Amended Class Action Complaint filed by Defendants, the parties stipulated and requested that the Court extend Defendants' deadline to respond to the Fourth Amended Complaint until after Plaintiff's anticipated filing of his Fifth Amended Complaint;

WHEREAS, in the parties' stipulation and request to the Court, they also stipulated to a briefing schedule (set forth below) for Defendants' anticipated motion to dismiss and to continue the Case Management Conference;

WHEREAS, on October 5, 2016, the Court scheduled the hearing on Defendants' motion to dismiss for January 11, 2017 at 2 p.m. and the initial Case Management Conference in this matter for February 7, 2017 (Doc. 48).

WHEREAS, Plaintiff's counsel seeks an extension of three additional days to file Plaintiff's opposition to Defendants' Motions.

WHEREAS, at the time Plaintiff agreed to the prior schedule, he was aware that Defendants would be filing a motion to dismiss under Fed. R. Civ. P. 12(b), but was unaware the they would also be filing a motion to strike under Fed. R. Civ. P. 12(f). In light of the holiday season and work devoted to a motion for class certification Plaintiffs' counsel filed on November 28, 2016, in an unrelated action, Plaintiff's counsel seeks a modest extension of time to thoroughly address each of the issues raised in Defendants' Motions.

WHEREAS, Plaintiff and Defendants have met and conferred and agree that Plaintiff's deadline to respond to Defendants' Motions should be extended three days to Friday, December 9, 2016, and that Defendants' deadline to file a reply in support of their Motions should be extended to January 9, 2017. These extensions will not have a significant effect on the overall schedule for this case and would be in the parties' best interests and in the interest of judicial economy because they will allow the parties to adequately address each of the issues raised in Defendants' Motions.

WHEREAS, pursuant to Local Rule 6-2(a)(2), all previous time modifications in the case are as follows:

- on March 29, 2016, the parties stipulated to extend Defendants' time to respond to the First Amended Complaint from March 30, 2016 to April 20, 2016 (Doc. No. 16);
- on May 5, 2016, pursuant to stipulation of the parties, the Court continued the June 21, 2016 Case Management Conference to September 6, 2016 (Doc. No. 20);
- on June 23, 2016, the parties stipulated to extend Defendants' time to respond to the Third Amended Complaint from June 23, 2016 to June 27, 2016 (Doc. No. 25);

- on August 4, 2016, pursuant to stipulation of the parties, the Court continued the September 6, 2016 Case Management Conference to September 13, 2016 to accommodate a scheduling conflict by lead counsel for Defendant (Doc. No. 35);
- on August 23, 2016, pursuant to stipulation of the parties, the Court continued the September 13, 2016 Case Management Conference, and on September 26, 2016 the Court scheduled the Case Management Conference for November 8, 2016; and
- on October 5, 2016, pursuant to stipulation of the parties and for reasons explained above, the Court extended Defendants' deadline to respond to the Fourth Amended Complaint, if necessary, to November 14, 2016, and continued the November 8, 2016 Case Management Conference to February 7, 2017 (Doc. No. 48).

WHEREAS, the instant stipulation and request for an extension will be the first extension of a filing deadline requested by Plaintiff.

WHEREAS, Kathryn Honecker attests that Eric DiIulio concurs in filing this Stipulated Request to Extend Briefing Schedule, Hearing Date, and Case Management Conference.

# **STIPULATION**

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE and respectfully request that the current briefing and hearing schedule related to Defendants' Motion to Dismiss, or, in the Alternative, Motion to Strike Portions of, Fifth Amended Complaint ("Motions") currently set forth in the Stipulated Request and Order: (1) Extending Deadline to Respond to Fourth Amended Complaint; (2) Setting Deadline to Respond to Proposed Fifth Am. Complaint; (3) Setting Briefing Schedule for Anticipated Motion to Dismiss; and (4) Continuing Nov. 8, 2016 CMC (Doc. No. 48) be amended as follows:

Case Event	Current Dates (Doc. No.	<b>Proposed Dates</b>
	48)	
Plaintiff's deadline to file opposition to	December 6, 2016	December 9, 2016
Defendants' Motions		
Defendants' deadline to file reply in	December 20, 2016	January 9, 2017
support of their Motions		

1	Hearing on Defendants' Motions				February 8, 2017 or	
2					the next available date	
3	Case Management Conference	e and all	February 7, 20	17	February 28, 2017 or	
4	related deadlines				the next available date	
5						
6	IT IS SO STIPULATI	E <b>D.</b>				
7						
8	Dated: December 5, 2016 ROSE LAW GROUP, PC					
9		D		/ / 17 .1	77 1	
0		Ву		/s/ Kathryn Honecker  Kathryn Honecker (admitted pro hac vice)		
1			Audra Petroll	e (admitted pa	ro hac vice)	
2			-and-			
3			_		. Bar No. 224003	
4			BAKER LAV 436 N. Stanle	*		
5			Los Angeles, Telephone:			
			Email:		kerlawpc.com	
6			Attorneys for	Plaintiffs and	the Proposed Class	
7						
8	Dated: December 5, 2016	SHEE	PPARD MULLI	N RICHTER A	& HAMPTON LLP	
9	Buied: Beecinoer 3, 2010	ecember 5, 2016 SHEPPARD MULLIN RICHTER & HAMPTON LLP				
0		Ву		/s/ Eric .	J. DiIulio	
1			P. Craig Card Benjamin O.			
2			Eric J. DiIulio			
3			Attorneys for	Defendants		
4			, , , , , , , , , , , , , , , , , , ,	v		
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			-4-		Case No. 3:16-cv-01421-WHe Hearing Date, and CMC and Orde	

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## **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED, as clarified below:

The Court grants the proposed extensions. The hearing on defendants' motion to dismiss is continued until February 8, 2017 at 2 p.m. and the Case Management Conference is continued until February 28, 2017 at 2 p.m.

DATED: December 6, 2016

The Honorable William H. Orrick United States District Judge