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22 **UNITED STATES DISTRICT COURT**

23 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

24 WILLIAM RUSHING, Individually and on  
25 Behalf of all Others Similarly Situated,

26 Plaintiff,

27 v.

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

Defendants.

Case No. 3:16-cv-01421-WHO

*Assigned to the Hon. William H. Orrick*

**CLASS ACTION**

**STIPULATED REQUEST TO EXTEND  
BRIEFING SCHEDULE, HEARING  
DATE, AND CMC AND ORDER**

Complaint Filed: January 29, 2016  
Action Removed: March 23, 2016  
5th Am. Complaint Filed: October 24, 2016  
Trial Date: None Set

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

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

12 **RECITALS**

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

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

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

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

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- 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:

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



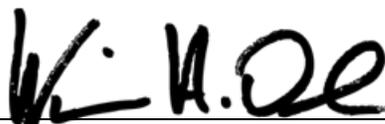
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**ORDER**

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

  
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The Honorable William H. Orrick  
United States District Judge