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23 **UNITED STATES DISTRICT COURT**

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

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

27 Plaintiff,

28 v.

WILLIAMS-SONOMA, INC., *et al.*,

Defendants.

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

Assigned to the Hon. William H. Orrick

CLASS ACTION

**STIPULATION CONTINUING MARCH
14, 2017 CASE MANAGEMENT
CONFERENCE AND ORDER THEREON.**

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 Rules 6-1, 6-2, and 7-12, Plaintiff
3 William Rushing (“Plaintiff”) and Defendants Williams-Sonoma, Inc., Williams-Sonoma DTC,
4 Inc., and Williams-Sonoma Advertising, Inc. (collectively “Defendants”), by and through their
5 respective counsel, hereby respectfully stipulate and jointly request that the Court continue the
6 Case Management Conference currently set for March 14, 2017 at 2:00 p.m. to June 6, 2017 at
7 2:00 p.m.

8 **RECITALS**

9 WHEREAS, on February 8, 2017, the Court set the Case Management Conference on
10 March 14, 2017 at 2:00 p.m. (Dkt. 60.)

11 WHEREAS, on February 28, 2017, the Court granted in part and denied in part
12 Defendants’ motion to dismiss Plaintiff’s Fifth Amended Class Action Complaint (the “Order”).
13 (Dkt. 64.)

14 WHEREAS, in the Order, the Court directed Plaintiff to file his Sixth Amended Complaint
15 within twenty (20) days of the date of the Order.

16 WHEREAS, the current case calendar would require the parties to conduct the Fed. R. Civ.
17 P. 26(f) conference, submit the Joint Case Management Conference Statement, and attend the
18 Case Management Conference before Plaintiff files his Sixth Amended Complaint.

19 WHEREAS, continuing the Case Management Conference until June 6, 2017 will provide
20 enough time for Defendants to respond to the Sixth Amended Complaint and for the parties to
21 comply with all Case Management Conference-related deadlines after Defendants’ response is
22 filed and resolved, whether Defendants respond with an answer or with a motion to dismiss.

23 WHEREAS, the parties have met and conferred and agree that continuing the March 14,
24 2017 Case Management Conference, and all related dates, will conserve resources and serve the
25 interests of judicial economy by allowing the parties and the Court to focus on the issues that will
26 proceed in this litigation.

27 WHEREAS, all previous time modifications in the case are as follows:
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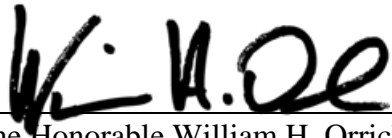
- on March 29, 2016, the parties stipulated to extend Defendants’ deadline to respond to the First Amended Complaint from March 30, 2016 to April 20, 2016;
- on May 5, 2016, pursuant to stipulation of the parties, the Court continued the June 21, 2016 Case Management Conference to September 6, 2016;
- on June 23, 2016, the parties stipulated to extend Defendants’ deadline to respond to the Third Amended Class Action Complaint from June 23, 2016 to June 27, 2016;
- on August 4, 2016, pursuant to stipulation of the parties, the Court continued the September 6, 2016 Case Management Conference to September 13, 2016;
- 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;
- on October 5, 2016, pursuant to stipulation of the parties, the Court continued Defendants’ deadline to respond to Plaintiff’s Fourth Amended Class Action Complaint, set the briefing schedule for Defendants’ response to Plaintiff’s Fifth Amended Class Action Complaint, set the hearing on Defendants motion to dismiss for January 11, 2017, and continued the Case Management Conference to February 7, 2016;
- on December 6, 2016, pursuant to stipulation of the parties, the Court extended the opposition and reply briefing deadlines, continued the hearing on Defendants’ motion to dismiss to February 8, 2017, and continued the Case Management Conference to February 28, 2017;
- on January 20, 2017, the Court granted the parties’ stipulated request to continue the hearing on Defendants’ motion to dismiss from February 8, 2017 until February 22, 2017; and
- on February 8, 2017, the Court continued the case management conference from February 28, 2017 to March 14, 2017.

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ORDER

PURSUANT TO STIPULATION, IT IS granted in part. This case has been pending in this Court since March 23, 2016. After two motions to dismiss the scope of the case should be clear to counsel, and it is high time to get it moving. I will continue the Case Management Conference to **April 4, 2017** at 2:00 p.m. in Courtroom 2. The Joint Statement, to be filed by **March 28, 2017**, should propose a case management schedule. The Rule 26(f) conference should be conducted in advance of the filing of the Joint Statement.

DATED: March 8, 2017



The Honorable William H. Orrick
United States District Judge