

1 DAVID F. MCDOWELL (CA SBN 125806)  
 DMcDowell@mofo.com  
 2 MORRISON & FOERSTER LLP  
 707 Wilshire Boulevard  
 3 Los Angeles, California 90017-3543  
 Telephone: 213.892.5200  
 4 Facsimile: 213.892.5454

5 TIFFANY CHEUNG (CA SBN 211497)  
 TCheung@mofo.com  
 6 ALEXANDRA E. LAKS (CA SBN 291861)  
 ALaks@mofo.com  
 7 MORRISON & FOERSTER LLP  
 425 Market Street  
 8 San Francisco, California 94105-2482  
 Telephone: 415.268.7000  
 9 Facsimile: 415.268.7522

10 Attorneys for Defendant  
 SEAGATE TECHNOLOGY LLC

11  
 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

16 EVERETT CASTILLO, LINDA CASTILLO,  
 and WENDY TRAN, individually and on behalf  
 17 of all others similarly situated,

18 Plaintiffs,

19 v.

20 SEAGATE TECHNOLOGY LLC,

21 Defendant.

Case No. 3:16-cv-01958-RS

**STIPULATION AND [PROPOSED]  
 ORDER CONSOLIDATING  
 RELATED ACTIONS**

Judge: Hon. Richard Seeborg  
 Action Filed: April 14, 2016

22 NICHOLAS DATTOMA, on behalf of himself  
 and all others similarly situated,

24 Plaintiff,

25 v.

26 SEAGATE TECHNOLOGY LLC,

27 Defendant.

**RELATED CASE**

Case No. 5:16-cv-02136-RS

Judge: Hon. Richard Seeborg  
 Action Filed: April 21, 2016

28

1 Pursuant to Federal Rule of Civil Procedure 42(a), Plaintiffs EVERETT CASTILLO,  
2 LINDA CASTILLO, WENDY TRAN, and NICHOLAS DATTOMA (“Plaintiffs”), on behalf of  
3 themselves and all others similarly situated, and Defendant Seagate Technology LLC  
4 (“Seagate”), through their undersigned counsel, hereby stipulate as follows:

5 WHEREAS, two related putative class actions involving allegations related to Seagate’s  
6 security practices and a phishing incident are currently pending before this Court, involve the  
7 same issues of fact and law, and therefore should be consolidated for all purposes;

8 WHEREAS, the first action, *Castillo et al. v. Seagate Technology LLC*, No. 3:16-cv-  
9 01958-RS, was filed on April 14, 2016;

10 WHEREAS, the second action, *Dattoma v. Seagate Technology LLC*, No. C5:16-cv-  
11 02136-RS, was filed on April 21, 2016;

12 WHEREAS, on May 16, 2016, the Court issued an order relating the above-captioned  
13 cases, and both are assigned to Judge Richard Seeborg (*Castillo* Dkt. No. 11; *Dattoma* Dkt. No.  
14 10);

15 WHEREAS, Seagate’s responses to the *Castillo* and *Dattoma* complaints are currently  
16 due on June 15, 2016;

17 WHEREAS, the parties agree that judicial efficiency would best be served by  
18 consolidating the above captioned cases and by Plaintiffs filing a Consolidated Complaint, as it  
19 would be duplicative and wasteful of the Court’s resources for Seagate to respond to and the  
20 parties to separately litigate the individual complaints;

21 WHEREAS, the parties agree that Defendant is no longer required to respond to the  
22 separate complaints on June 15 given Plaintiffs’ agreement to file a Consolidated Complaint;

23 WHEREAS, the parties agree that Plaintiffs will file the Consolidated Complaint within  
24 14 days of the Court’s order approving consolidation, and Seagate will have thirty days from the  
25 date of the filing of the Consolidated Complaint to respond;

26 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel,  
27 subject to the approval of the Court, that the *Castillo* and *Dattoma* actions should be  
28 consolidated. Seagate’s June 15 response date is vacated. Plaintiffs will file a Consolidated

1 Complaint within fourteen (14) days of the Court's order granting consolidation, and Seagate  
2 will file a response within thirty (30) days thereafter.

3 Dated: June 14, 2016

DAVID F. MCDOWELL  
TIFFANY CHEUNG  
ALEXANDRA E. LAKS  
MORRISON & FOERSTER LLP

4

5

6

7

By: /s/ Tiffany Cheung  
TIFFANY CHEUNG

8

Attorneys for Defendant  
SEAGATE TECHNOLOGY LLC

9

10 Dated: June 14, 2016

ERIC A. GROVER  
KELLER GROVER LLP

11

12

13

By: /s/ Eric A. Grover  
ERIC A. GROVER

14

Attorneys for Plaintiff  
NICHOLAS DATTOMA

15

16 Dated: June 14, 2016

JEREMIAH FREI-PEARSON  
FINKELSTEIN, BLANKINSHIP, FREI-  
PEARSON & GARBER, LLP

17

18

19

By: /s/ Jeremiah Frei-Pearson  
JEREMIAH FREI-PEARSON

20

Attorneys for Plaintiff  
NICHOLAS DATTOMA

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: June 14, 2016

LIONEL Z. GLANCY  
MARC L. GODINO  
MARK S. GREENSTONE  
GLANCY PRONGAY & MURRAY LLP

By:           /s/ Mark S. Greenstone            
MARK S. GREENSTONE

Attorneys for Plaintiffs  
EVERETT CASTILLO, LINDA  
CASTILLO, and WENDY TRAN

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ECF ATTESTATION**

I, Tiffany Cheung, am the ECF User whose ID and password are being used to file the following STIPULATION AND [PROPOSED] ORDER CONSOLIDATING RELATED ACTIONS. In compliance with Local Rule 5-1(i)(3), I hereby attest that Eric A. Grover, Jeremiah Frei-Pearson, and Mark S. Greenstone have concurred in this filing.

Dated: June 14, 2016

DAVID F. MCDOWELL  
TIFFANY CHEUNG  
ALEXANDRA E. LAKS  
MORRISON & FOERSTER LLP

By: /s/ Tiffany Cheung  
TIFFANY CHEUNG  
  
Attorneys for Defendant  
SEAGATE TECHNOLOGY LLC

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 6/14, 2016

  
\_\_\_\_\_  
HON. RICHARD SEEBORG  
United States District Judge