

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

ANDREW M. SPURCHISE, Bar No. 245998  
aspurchise@littler.com  
LITTLER MENDELSON, P.C.  
900 Third Avenue  
New York, New York 10022.3298  
Telephone: 212.583.9600  
Facsimile: 212.832.2719

SOPHIA BEHNIA, Bar No. 289318  
sbehnia@littler.com  
LITTLER MENDELSON, P.C.  
333 Bush Street, 34th Floor  
San Francisco, California 94104  
Telephone: 415.433.1940  
Facsimile: 415.399.8490

Attorneys for Defendant  
UBER TECHNOLOGIES, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

TODD JOHNSTON, individually and on  
behalf of a class of similarly situated persons,  
  
Plaintiff,  
  
v.  
  
UBER TECHNOLOGIES, INC., a Delaware  
Corporation,  
  
Defendant.

Case No. 3:16-CV-03134-EMC  
  
**STIPULATION FOR VOLUNTARY  
DISMISSAL PER RULE 41(a)(1)(ii)**

1 Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, Plaintiff Todd Johnston  
2 and Defendant Uber Technologies, Inc., by and through their respective counsel of record, hereby  
3 submit this joint stipulation for dismissal of the above captioned case with prejudice.  
4

5 WHEREAS, on June 9, 2016, Plaintiff a proposed class action against Defendant in the  
6 United States District Court, Northern District of California, Case No. 33:16-cv-03134-EMC  
7 (“Complaint”) alleging claims for violation of the WARN Act;

8 WHEREAS, on April 13, 2017, Defendants filed a motion to compel Plaintiff to arbitrate his  
9 claim on an individual basis and to dismiss his class claims;  
10

11 WHEREAS, on June 22, 2017, the Court stayed this matter because of pending appeal at the  
12 Ninth Circuit regarding the validity of Defendant’s arbitration agreements (*see O’Connor et al. v.*  
13 *Uber Techs., Inc.*, Ninth Circuit Case No. 15-17475);

14 WHEREAS, on March 14, 2018, the Court administratively denied without prejudice  
15 Defendant’s motion to compel arbitration because of the length of the pending of the appeals;

16 WHEREAS, on September 25, 2018, the United States Court of Appeals for the Ninth  
17 Circuit issued its opinion in *O’Connor*, reversing this Court’s order denying Defendant’s motion to  
18 compel arbitration;

19 WHEREAS, on July 11, 2019, Defendant refiled a motion to compel arbitration and the  
20 Court granted that motion on September 9, 2019;

21 WHEREAS, the proposed classes are not certified in this matter and no motion for  
22 certification has been made or is pending;  
23

24 WHEREAS, the Parties have settled their dispute on an individual basis; and

25 WHEREAS, after conferences between the Parties, the Parties have mutually agreed to  
26 dismiss Plaintiffs’ complaint in this matter, with prejudice.  
27  
28

1 **THEREFORE, IT IS HEREBY STIPULATED** by and between Plaintiff and Defendant,  
2  
3 through their respective counsel, as follows:

- 4 1. Plaintiff hereby dismisses the above-captioned matter and all causes of action  
5 therein with prejudice; and  
6 2. The Parties agree to bear their own costs.

7 **IT IS SO STIPULATED.**

8 **DATED:** September 1, 2020 **SLACK DAVIS SANGER, LLP**

9  
10 /s/ John R. Davis

11 By: John R. Davis  
12 Counsel for Plaintiff, TODD JOHNSTON on behalf of  
13 themselves and all others similarly situated  
14

15 **DATED:** September 8, 2020 **LITTLER MENDELSON, P.C.**

16  
17 /s/ Sophia Behnia

18 By: Sophia Behnia  
19 Counsel for Defendants, UBER TECHNOLOGIES,  
20 INC.

21 Pursuant to Local Rule 1.1, the Court's permission to file this document has been  
22 obtained from each of the other parties to this case.  
23

24  
25 **DATED:** September 8, 2020

/s/ Sophia Behnia

26 By: Sophia Behnia  
27 Counsel for Defendants, UBER TECHNOLOGIES,  
28 INC.

Dated: 9/9/2020