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18 **Attorneys for Plaintiff Todd Johnston**

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
 21 **SAN FRANCISCO DIVISION**

22 TODD JOHNSTON, individually and on) Case No. 3:16-cv-3134-EMC
 23 behalf of a class of similarly situated persons,) [Related to Case No. 3:13-cv-3826-EMC]
 24)
 25 Plaintiff,) **STIPULATION AND [PROPOSED]**
 26) **ORDER CONTINUING INITIAL CASE**
 27 vs.) **MANAGEMENT CONFERENCE**
 28)
 29 UBER TECHNOLOGIES, INC., a Delaware)
 30 Corporation,) Judge: Hon. Edward M. Chen
 31) Courtroom: 5
 32 Defendant.)
 33)
 34)

35 Related to:)
 36 *O'Connor et al. v. Uber Tech., Inc.*, No. 3:13-)
 37 cv-3826-EMC)
 38)
 39)

STIPULATION

1. WHEREAS, an initial case management conference was originally set for September 29, 2016;
2. WHEREAS, Defendant Uber Technologies, Inc. filed a motion to stay proceedings, with a hearing date of September 22, 2016;
3. WHEREAS, on August 12, 2016, the initial case management conference was continued to October 27, 2016;
4. WHEREAS, counsel for Plaintiff Todd Johnston has a conflict with the October 27, 2016 date;
5. WHEREAS, the parties have met and conferred on alternative dates in which counsel for both sides are available based on the Court's Scheduling Notes on availability; and
6. WHEREAS, the parties stipulate and respectfully request that the initial case management conference be continued to the earlier available date of November 17, December 1, December 8 or December 15, 2016.

Dated: August 24, 2016

/s/ Emily E. O'Connor
CARLOS JIMENEZ
EMILY E. O'CONNOR
LITTLER MENDELSON, P.C.
Attorneys for Defendant
UBER TECHNOLOGIES, INC.

Dated: August 24, 2016

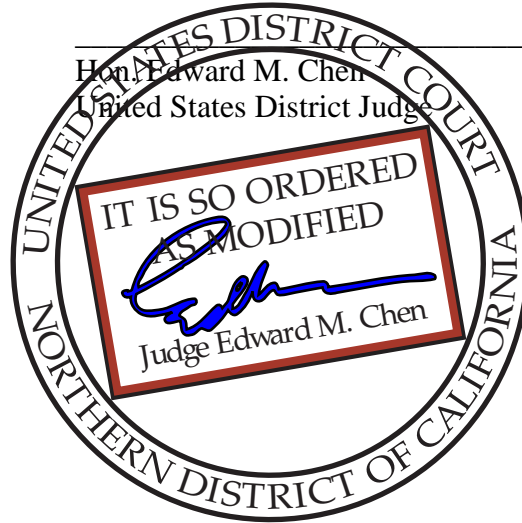
/s/ Brian J. Malloy
THOMAS J. BRANDI
BRIAN J. MALLOY
THE BRANDI LAW FIRM
Attorneys for Plaintiff
TODD JOHNSTON

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 The initial case management conference is continued from October 27, 2016 to November 17, 2016
3 at 9:30 a.m. A joint CMC statement shall be filed by November 10, 2016.

4 Dated: 8/29/2016

5 _____
6 Hon. Edward M. Chen
7 United States District Judge



1 **FILER'S ATTESTATION**

2 Pursuant to Civil Local Rule 5-1(i), I, Brian J. Malloy, attest that concurrence in the filing of this
3 document has been obtained.

4
5 /s/ Brian J. Malloy
6 BRIAN J. MALLOY