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16	UNITED STATES DISTRICT COURT	
17	NORTHERN DISTRICT OF CALIFORNIA	
18	SAN FRANCISCO DIVISION	
19	DAIL TA	INCIDED DIVIDIOIV
20	TODD JOINISTON : 4:: 411 4	C N- 2-16 CW 02124 FMC
21	TODD JOHNSTON, individually and on behalf of a class of similarly situated	Case No. 3:16-CV-03134-EMC
22	persons, Plaintiff,	JOINT STIPULATION TO ADJOURN CASE MANAGEMENT CONFERENCE AND [PROPOSED] ORDER
23	V.	Current CMC Date: November 30, 2017
24	UBER TECHNOLOGIES, INC., a	Complaint Filed: June 9, 2016
25	Delaware Corporation,	
26	Defendant.	
27		J
28		

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CASE NO. 3:16-CV-03134-EMC

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## STIPULATION TO ADJOURN CASE MANAGEMENT CONFERENCE

Pursuant to Civil Local Rule 7-12, Plaintiff Todd Johnston ("Plaintiff") and Defendant Uber Technologies, Inc. ("Uber") (Plaintiff and Defendant are collectively referred to as "the Parties"), by and through their respective counsel of record, hereby stipulate as follows:

WHEREAS, on June 22, 2017, the Court stayed the above-captioned case pending the outcome of various appeals in *O'Connor v. Uber Technologies, Inc.*, Ninth Circuit Court of Appeals, Case Nos. 14-16078, *et al.* related to the enforceability of arbitration agreements at issue in this case;

WHEREAS, on September 22, 2017, the Ninth Circuit Court of Appeals stayed *O'Connor v. Uber Technologies, Inc.*, Case Nos. 14-16078, *et al.* pending *Morris v. Ernst & Young, LLP*, 834 F.3d 975 (9th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-300) ("*Morris*"), consolidated with *Epic Sys. Corp. v. Lewis*, 823 F.3d 1147 (7th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-285) and *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) *cert. granted* (U.S. Jan. 13, 2017) (No. 16-307) (collectively, "*Morris, et al.*");

WHEREAS, as a result of meet and confer efforts, the Parties agree that the November 30, 2017 Case Management Conference should be adjourned until after the United States Supreme Court has issued its decision in *Morris*, *et al.*;

WHEREAS, the Parties further agree that judicial and party resources would be conserved, and other efficiencies would be gained, if the November 30, 2017 Case Management Conference was adjourned pending the Supreme Court's decision in *Morris*, *et al.*;

WHEREAS, the Parties further agree that neither would be prejudiced by a delay in proceedings until after *Morris* and the consolidated cases are decided given that this case is already stayed pending the appeals in *O'Connor*, which are stayed pending a ruling in *Morris*, *et al*.

NOW THEREFORE, the Parties hereby stipulate, subject to the approval of this Court, that:

1. The November 30, 2017 Case Management Conference is adjourned pending the Supreme Court's decision in *Morris v. Ernst & Young, LLP,* 834 F.3d 975 (9th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-300) ("*Morris*"), consolidated with *Epic Sys. Corp. v. Lewis*, 823 F.3d 1147 (7th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-285) and *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) *cert. granted* (U.S. Jan. 13, 2017) (No. 16-307).

1	2. The Parties shall file a joint status report and proposal for setting a Case Managemen		
2	Conference within fourteen days of the decision in <i>Morris v. Ernst &amp; Young, LLP</i> .		
3	IT IS SO STIPULATED		
4	Dated: November 16, 2017		
5		Respectfully submitted,	
6		/ / G	
7		/s/ Sophia Behnia SOPHIA BEHNIA	
8		LITTLER MENDELSON, P.C. Attorneys for Defendant UBER TECHNOLOGIES, INC.	
9	Dated: November 16, 2017		
10		THE BRANDI LAW FIRM	
11		/ / D · T M II	
12		/s/ Brian J. Malloy BRIAN J. MALLOY	
13		Attorneys for Plaintiff TODD JOHNSTON	
14			
15	I, Sophia Behnia, hereby attest that Mr. Malloy, on whose behalf the filing is submitted		
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17	17   /s/ Sophia Behnia		
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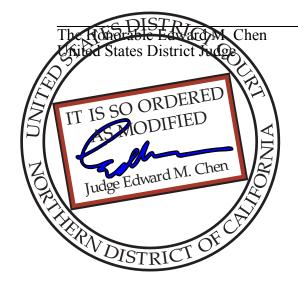
## [PROPOSED] ORDER

## PURSUANT TO STIPULATION, IT IS SO ORDERED.

- 1. The November 30, 2017 Case Management Conference is adjourned pending the Supreme Court's decision in *Morris v. Ernst & Young, LLP,* 834 F.3d 975 (9th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-300) ("*Morris*"), consolidated with *Epic Sys. Corp. v. Lewis*, 823 F.3d 1147 (7th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-285) and *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) *cert. granted* (U.S. Jan. 13, 2017) (No. 16-307).
- 2. The Parties shall file a joint status report and proposal for setting a Case Management Conference within fourteen days of the decision in *Morris v. Ernst & Young, LLP*.

IT IS SO ORDERED. Further CMC reset for 1/18/18 at 10:30 a.m.

Dated: \_\_\_\_\_\_, 2017



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