

1 KEITH A. JACOBY, Bar No. 150233
 kjacoby@littler.com
 2 CARLOS JIMENEZ, Bar No. 227534
 cajimenez@littler.com
 3 LITTLER MENDELSON, P.C.
 2049 Century Park East, 5th Floor
 4 Los Angeles, California 90067.3107
 Telephone: 310.553.0308
 5 Facsimile: 310.553.5583

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

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

14 Attorneys for Defendant
 UBER TECHNOLOGIES, INC.

15 *[Additional Counsel Listed on Following Page]*

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA
 18 SAN FRANCISCO DIVISION

19
 20
 21 TODD JOHNSTON, individually and on
 behalf of a class of similarly situated
 22 persons,

23 Plaintiff,

24 v.

25 UBER TECHNOLOGIES, INC., a
 Delaware Corporation,

26 Defendant.

Case No. 3:16-CV-03134-EMC

**JOINT STIPULATION TO CONTINUE
 CASE MANAGEMENT CONFERENCE
 AND [PROPOSED] ORDER**

Current CMC Date: March 22, 2018
 Current CMC Time: 10:30 a.m.

Complaint Filed: June 9, 2016

1 THE BRANDI LAW FIRM
2 Thomas J. Brandi, SBN 53208
3 tjb@brandilaw.com
4 Brian J. Malloy, SBN 234882
5 bjm@brandilaw.com
6 354 Pine Street, Third Floor
7 San Francisco, CA 941 04
8 415.989.1800

9 SLACK & DAVIS, LLP
10 Michael L. Slack, *pro hac vice*
11 mslack@slackdavis.com
12 John R. Davis, SBN 308412
13 jdavis@slackdavis.com
14 2705 Bee Cave Road, Suite 220
15 Austin, TX 78746

16 Attorneys for Plaintiff
17 TODD JOHNSTON
18
19
20
21
22
23
24
25
26
27
28

1 **STIPULATION TO ADJOURN CASE MANAGEMENT CONFERENCE**

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

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

8 WHEREAS, on September 22, 2017, the Ninth Circuit Court of Appeals stayed *O’Connor v.*
9 *Uber Technologies, Inc.*, Case Nos. 14-16078, *et al.* pending *Morris v. Ernst & Young, LLP*, 834
10 F.3d 975 (9th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No. 16-300) (“*Morris*”), consolidated
11 with *Epic Sys. Corp. v. Lewis*, 823 F.3d 1147 (7th Cir. 2016), *cert. granted* (U.S. Jan. 13, 2017) (No.
12 16-285) and *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015) *cert. granted* (U.S. Jan.
13 13, 2017) (No. 16-307) (collectively, “*Morris, et al.*”);

14 WHEREAS, as a result of meet and confer efforts, the Parties agree that the March 22, 2018
15 Case Management Conference should be continued pending the United States Supreme Court’s
16 decision in *Morris, et al.*; and

17 WHEREAS, the Parties believe it would be most efficient to continue the Case Management
18 Conference to May 17, 2018 pending a ruling in *Morris, et al.*

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

20 1. The Case Management Conference set for March 22, 2018, at 10:30 a.m., shall be
21 continued to May 17, 2018.

22 2. Case Management Conference Statements shall be due on May 10, 2018.

23 3. The above-captioned case shall remain STAYED until the next Case Management
24 Conference.

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

IT IS SO STIPULATED.

Dated: March 5, 2018

Respectfully submitted,

/s/ Sophia Behnia
SOPHIA BEHNIA
LITTLER MENDELSON, P.C.
Attorneys for Defendant
UBER TECHNOLOGIES, INC.

Dated: March 5, 2018

SLACK & DAVIS, LLP

/s/ John R. Davis
JOHN R. DAVIS
Attorneys for Plaintiff
TODD JOHNSTON

I, Sophia Behnia, hereby attest that Mr. Davis, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

/s/ Sophia Behnia

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

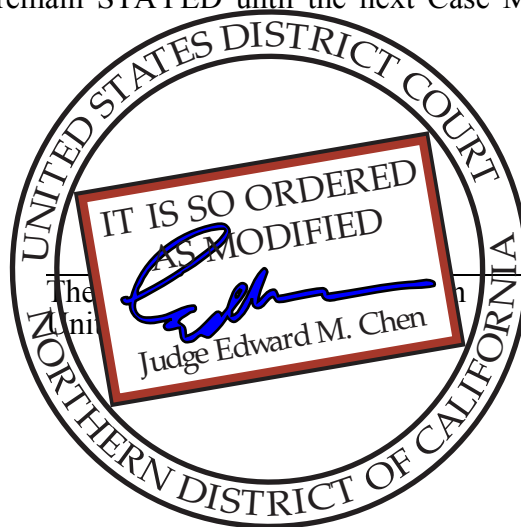
1. The Case Management Conference set for March 22, at 10:30 a.m., shall be continued to May 17, 2018 at 10:30^{am}~~a/p.m.~~

2. Case Management Conference Statements shall be due on May 10, 2018.

3. The above-captioned case shall remain STAYED until the next Case Management Conference.

IT IS SO ORDERED.

Dated: 3/6, 2018



Firmwide:153218725.1 073208.1219