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 UBER TECHNOLOGIES, INC.

10 *[Additional Counsel Listed on Following Page]*

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

15 TODD JOHNSTON, individually and on
 16 behalf of a class of similarly situated
 persons,
 17 Plaintiff,
 18
 19 v.
 20 UBER TECHNOLOGIES, INC., a
 Delaware Corporation,
 21 Defendant.

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

**JOINT STIPULATION TO CONTINUE
 CASE MANAGEMENT CONFERENCE
 AND ~~PROPOSED~~ ORDER**

Current CMC Date: September 13, 2018
 Current CMC Time: 10:30 a.m.

Complaint Filed: June 9, 2016

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1 **STIPULATION TO CONTINUE 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, on May 21, 2018, the United States Supreme Court issued its decision in
15 *Morris, et al.*; and

16 WHEREAS, as a result of meet and confer efforts, the Parties agree that the September 13,
17 2018 Case Management Conference should be continued to October 25, 2018 pending the resolution
18 of the *O’Connor* appeals at the Ninth Circuit.

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

- 20 1. The Case Management Conference set for September 13, 2018, at 10:30 a.m., shall be
21 continued to October 25, 2018.
22 2. Case Management Conference Statements shall be due on October 18, 2018.
23 3. The above-captioned case shall remain STAYED until the next Case Management
24 Conference.

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IT IS SO STIPULATED.

Dated: August 16, 2018

Respectfully submitted,

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

Dated: August 16, 2018

/s/ John R. Davis
JOHN R. DAVIS
SLACK & DAVIS, LLP
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

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

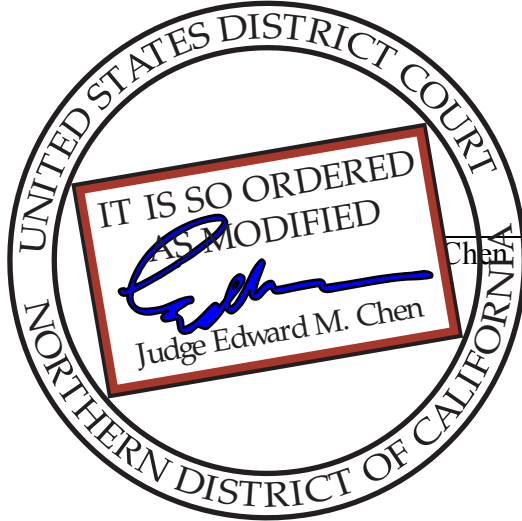
1. The Case Management Conference set for September 13, 2018, at 10:30 a.m., shall be continued to October 25, 2018 at ~~10:30 a.m.~~ 1:30 p.m.

2. Case Management Conference Statements shall be due on October 18, 2018.

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

IT IS SO ORDERED.

Dated: 8/17, 2018



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