

1 MICHAEL J. STORTZ (SBN #139386)
 michael.stortz@dbr.com
 2 MARSHALL L. BAKER (SBN #300987)
 marshall.baker@dbr.com
 3 DRINKER BIDDLE & REATH LLP
 50 Fremont Street, 20th Floor
 4 San Francisco, CA 94105-2235
 Telephone: (415) 591-7500
 5 Facsimile: (415) 591-7510

6 Attorneys for Defendant
 COMCAST CORPORATION

7 MICHAEL W. MCTIGUE JR. (*pro hac vice* to be sought)
 michael.mctigue@dbr.com
 8 MEREDITH C. SLAWE (*pro hac vice* to be sought)
 meredith.slawe@dbr.com
 9 DANIEL E. BREWER (*pro hac vice* to be sought)
 daniel.brewer@dbr.com
 10 DRINKER BIDDLE & REATH LLP
 One Logan Square, Ste. 2000
 11 Philadelphia, PA 19103-6996
 Telephone: (215) 988-2700
 12 Facsimile: (215) 988-2757

13 *Of Counsel* for Defendant
 14 COMCAST CORPORATION

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17

18 MELINDA BROWN, GREGORIE
 GREEN, ANETTE AVILA, MITCHELL
 19 BREWER, TONI BENEDICT, RICHARD
 PERDUE, SAMUEL BALTIERRA, and
 20 JULIE EVERTS

21 Plaintiffs,

22 v.

23 COMCAST CORPORATION, a
 Pennsylvania Corporation,

24 Defendant.
 25
 26

Case No. 3:16-cv-03649-JST

**STIPULATION TO EXTEND TIME TO
 FILE A RESPONSIVE PLEADING TO
 COMPLAINT BY FOURTEEN (14) DAYS
 AND TO CONTINUE DEADLINE TO FILE
 CASE MANAGEMENT STATEMENT
 AND TO CONTINUE THE CASE
 MANAGEMENT CONFERENCE;
 DECLARATION OF MARSHALL L.
 BAKER; [~~PROPOSED~~] ORDER**

1 Plaintiffs Melinda Brown, Gregorie Green, Anette Avila, Mitchell Brewer, Toni Benedict,
2 Richard Perdue, Samuel Baltierra, and Julie Everts (“Plaintiffs”) and Defendant Comcast
3 Corporation (“Defendant”) (collectively, the “Parties”), by and through their respective attorneys
4 of record, hereby enter this stipulation to extend Defendant’s time to file a responsive pleading to
5 Plaintiff’s Complaint (the “Complaint”) and agree and stipulate to continue the time to file a Case
6 Management Statement (“CMS”) due on October 17, 2016 and to continue the Case Management
7 Conference (“CMC”) scheduled on October 26, 2016 as follows:

8 WHEREAS, the Parties agreed to extend the Defendant’s responsive pleading deadline to
9 October 11, 2016 to permit the Defendant to investigate the factual and legal issues raised in the
10 Complaint. (ECF No. 14).

11 WHEREAS, based on Defendant’s investigation to date, Defendant believes that the
12 Plaintiffs are subject to individual arbitration and intends to move to compel the Plaintiffs to
13 comply with their individual arbitration agreements.

14 WHEREAS, Defendant is still investigating the factual and legal issues raised in
15 Plaintiff’s Complaint, and needs a short period of additional time to complete that investigation
16 before seeking to compel arbitration.

17 WHEREAS, in light of the foregoing, the Parties agreed to a brief fourteen (14) day
18 extension Defendant’s deadline to respond to the Complaint to and including October 25, 2016.

19 WHEREAS, the Defendant’s Motion to Compel Arbitration would be heard on December
20 1, 2016.

21 WHEREAS, on July 25, 2016 the Parties were directed to file a CMS by October 17, 2016
22 and to attend a CMC on October 26, 2016. (ECF No. 12).

23 WHEREAS, in light of the foregoing and out of an abundance of caution, the Parties
24 agreed to continue the deadline for the CMS to December 8, 2016 and to continue the CMC to
25 December 14, 2016.

26 WHEREAS, this brief continuance will not impact any other deadlines already set by the
27 Court.

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

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED:

The deadline for Defendant to file a responsive pleading to the Complaint is continued to and including October 25, 2016, the deadline to file the CMS is continued to and including December 8, 2016, and the CMC is continued to December 14, 2016 at 2:00 p.m.

Dated: October 7, 2016 DRINKER BIDDLE & REATH LLP

By: /s/ Marshall L. Baker
Michael J. Stortz
Marshall L. Baker

Attorneys for Defendant
COMCAST CORPORATION

Dated: October 7, 2016 KRISTENSEN WEISBERG, LLP

By: /s/ John P. Kristensen
John P. Kristensen

Attorney for Plaintiffs

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

Attestation Pursuant to Civil Local Rule 5-1(i)

Pursuant to Civil Local Rule 5-1(i), I, Marshall L. Baker, hereby attest that I have obtained concurrence in the filing of this document from the other signatory to this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of October, 2016 in San Francisco, California.

By: /s/ Marshall L. Baker
Marshall L. Baker

1 **DECLARATION OF MARSHALL L. BAKER**

2 I, Marshall L. Baker, declare as follows:

3 1. I am a member of the Bar of the State of California, admitted to practice before
4 this Court, and an associate in the firm of Drinker Biddle & Reath LLP, attorneys of record for
5 Defendant Comcast Corporation (“Defendant”) in the above-entitled action. Pursuant to Civil
6 L.R. 6-2, I make this Declaration in support of Defendant’s and Plaintiffs Melinda Brown,
7 Gregorie Green, Anette Avila, Mitchell Brewer, Toni Benedict, Richard Perdue, Samuel
8 Baltierra, and Julie Everts’ (“Plaintiffs”) (collectively, the “Parties”) stipulation for a brief
9 extension of (1) Defendant’s deadline to respond to the Complaint; (2) a brief continuance of the
10 deadline to file a Case Management Statement (“CMS”) currently due on October 17, 2016; and
11 (3) a brief continuance of the Case Management Conference (“CMC”) currently scheduled for
12 October 26, 2016. If called, I would testify to the matters set forth herein.

13 2. In light of the Defendant’s continued investigation into the factual and legal issues
14 raised in the Complaint, and in anticipation of Defendant filing a motion to compel arbitration,
15 the Parties met and conferred regarding the deadline extensions and a continuance of the CMC.

16 3. The Parties agreed that a brief fourteen (14) day extension of the Defendant’s time
17 to respond to the Complaint was appropriate.

18 4. The Parties further agreed, due to the extension of Defendant’s time to respond to
19 the Complaint, that a continuance of the deadline to file the CMS and a continuance of the CMC
20 until after this Court has heard Defendant’s motion to compel was appropriate.

21 5. The Parties request this continuance because it may provide sufficient time for the
22 Defendant to fully investigate the allegations in the Complaint and to respond accordingly, and it
23 will avoid burdening the Court prior to the Court hearing the Defendant’s motion to compel
24 arbitration. The continuance will not impact any other deadlines already set by the Court or
25 otherwise have any effect on the schedule of the case.

26 6. To date, the other time modifications in this case are as follows: on July 29, 2016
27 the Parties agreed to extend the Defendant’s responsive pleading deadline to September 8, 2016
28 and on September 6, 2016 the Parties agreed to extend the Defendant’s responsive pleading

1 deadline to October 11, 2016.

2 I declare under penalty of perjury that the foregoing is true and correct.

3 Executed this 7th day of October, 2016 at San Francisco, CA.

4 /s/ Marshall L. Baker
5 Marshall L. Baker

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

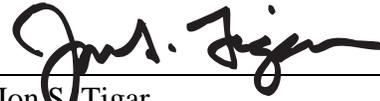
28

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: October 17, 2016



Hon. Jon S. Tigar
UNITED STATES DISTRICT JUDGE