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16	COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC		
17			
18	UNITED STATES DISTRICT COURT		
19	NORTHERN DISTRICT OF CALIFORNIA		
20			
21	ANDRE SCOTT, an individual; KEN FASSLER, an individual; ELIJAH MAXWELL-WILSON, an individual, and on	Case No. 3:16-cv-06869-EMC  THIRD STIPULATION TO FURTHER	
22	behalf of themselves, all others similarly	EXTEND DEADLINE TO RESPOND TO THE COMPLAINT PENDING	
23	situated,	PLAINTIFFS' NOTICE OF DISMISSAL	
24	Plaintiffs,	OF PLAINTIFFS ANDRE SCOTT AND ELIJAH MAXWELL-WILSON'S	
25	V.	CLAIMS UNDER THE FAIR LABOR STANDARDS ACT, 29 U.S.C. §§ 201, ET	
26	COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC, a Delaware	SEQ.	
27	corporation; and DOES 1-50, inclusive,	Complaint Filed: November 30, 2016	
MORGAN, LEWIS 28	Defendants.		
BOCKIUS LLP ATTORNEYS AT LAW SAN FRANCISCO	STIP. TO FURTHER EXTEND DEADLINE TO RESPOND PENDING FILING OF DISMISSAL Case No. 3:16-CV-06869-EMC		

## 1 **STIPULATION** 2 Pursuant to Federal Rule of Civil Procedure 15(a)(3) and L.R. 6-1, Plaintiffs Andre Scott, 3 Ken Fassler, and Elijah Maxwell-Wilson ("Plaintiffs") and Defendant Comcast Cable 4 Communications Management, LLC ("Defendant") (collectively, the "Parties"), through their 5 undersigned counsel of record, stipulate that Defendant's deadline for responding to the First 6 Amended Complaint be extended for a short time. In support of their Stipulation, the Parties state 7 as follows: 8 WHEREAS, Plaintiffs filed the Complaint on November 30, 2016, which they served on 9 Defendant on December 1, 2016; 10 WHEREAS, the Parties previously stipulated to extend Defendant's deadline to file its 11 responsive pleading to January 20, 2017 (Dkt. 6) to allow the Parties time to meet and confer 12 regarding Defendant's contention that the Complaint was deficient; 13 WHEREAS, on January 13, 2017, Plaintiffs agreed to file a First Amended Complaint to 14 address some of the asserted deficiencies in the Complaint; 15 WHEREAS, on January 18, 2017, the Parties stipulated to extend Defendant's deadline to 16 file its responsive pleading to 14 days after the date Plaintiffs filed the First Amended Complaint 17 (Dkt. 16), and the Court approved this stipulation (Dkt. 17); 18 WHEREAS, on January 31, 2017, Plaintiffs filed the First Amended Complaint (Dkt. 18); 19 WHEREAS, on February 8, 2017, the Parties met and conferred regarding whether 20 Plaintiffs Andrew Scott and Elijah Maxwell-Wilson would dismiss their claims alleged in the 21 Sixth Claim for Relief under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. Sections 201, et 22 seq.; 23 WHEREAS, on February 14, 2017, Plaintiffs Scott and Maxwell-Wilson agreed to 24 dismiss their claims under the FLSA; 25 WHEREAS, in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs 26 will file a Notice of Dismissal of the FLSA claim in the Sixth Claim for Relief as to Plaintiffs 27 Scott and Maxwell-Wilson ("Notice of Dismissal") by February 17, 2017;

WHEREAS, the Parties agree that it does not make sense for Defendant to file a

1	responsive pleading to the First Amended Complaint when Plaintiffs Scott and Maxwell-Wilson		
2	intend to file the Notice of Dismissal, that extending Defendant's deadline may avoid a motion		
3	attacking the pleadings under Federal Rule of Civil Procedure 12(b)(6), and therefore that		
4	Defendant's response deadline will be extended to seven (7) days after the date that Plaintiffs file		
5	the Notice of Dismissal pursuant to Federal Rule of Civil Procedure 15(a)(3);		
6	WHEREAS, assuming Plaintiffs file a Notice of Dismissal no later than February 17,		
7	2017, extending the time for Defendant to file its response to seven (7) days after the date		
8	Plaintiffs file the Notice of Dismissal will not alter the date of any event or any deadline already		
9	fixed by Court order.		
10	THEREFORE, IT IS HEREBY STIPULATED AS FOLLOWS: Defendant's responsive		
11	pleading will be due seven (7) days after the date Plaintiffs file the Notice of Dismissal.		
12	IT IS SO STIPULATED.		
13	Dated: February 14, 2017	SETAREH LAW GROUP	
14		By/s/ Thomas Segal	
15		Shaun Setareh Thomas Segal	
16		Attorneys for Plaintiffs	
17		ANDRE SCOTT, KEN FASSLER, and ELIJAH MAXWELL-WILSON	
18	Dated: February 14, 2017	MORGAN, LEWIS & BOCKIUS LLP	
19		By /s/ Daryl S. Landy	
20		By /s/ Daryl S. Landy Daryl S. Landy Jennifer Svanfeldt	
21		Attorneys for Defendant	
22		COMCAST CABLE COMMUNICATIONS MANAGEMENT, LLC	
23		MAIN WIEDWID WI, EDE	
24			
25			
26			
27			
28		STID TO ELIPTHED EXTEND DEADLINE TO	

## ATTESTATION RE ELECTRONIC SIGNATURES

I, DARYL S. LANDY, attest pursuant to Northern District Local Rule 5-1(i)(3) that all other signatories to this document, on whose behalf this filing is submitted, concur in the filing's content and have authorized this filing. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: February 14, 2017

/s/ Daryl S. Landy

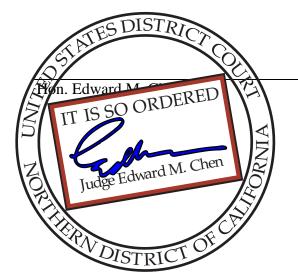
Daryl S. Landy

MORGAN, LEWIS 28
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

## [PROPOSED] ORDER

For the reasons stated in the Parties' Stipulation, Defendant's responsive pleading deadline is extended to seven (7) days after Plaintiffs' Notice of Dismissal is filed.

IT IS SO ORDERED.



STIP. TO FURTHER EXTEND DEADLINE TO RESPOND PENDING FILING OF DISMISSAL Case No. 3:16-CV-06869-EMC