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 26 MANAGEMENT, LLC

27 UNITED STATES DISTRICT COURT  
 28 NORTHERN DISTRICT OF CALIFORNIA

ANDRE SCOTT, an individual; KEN  
 FASSLER, an individual; ELIJAH  
 MAXWELL-WILSON, an individual, and on  
 behalf of themselves, all others similarly  
 situated,

Plaintiffs,

v.

COMCAST CABLE COMMUNICATIONS  
 MANAGEMENT, LLC, a Delaware  
 corporation; and DOES 1-50, inclusive,

Defendants.

Case No. 3:16-cv-06869-EMC

**THIRD STIPULATION TO FURTHER  
 EXTEND DEADLINE TO RESPOND  
 TO THE COMPLAINT PENDING  
 PLAINTIFFS' NOTICE OF DISMISSAL  
 OF PLAINTIFFS ANDRE SCOTT AND  
 ELIJAH MAXWELL-WILSON'S  
 CLAIMS UNDER THE FAIR LABOR  
 STANDARDS ACT, 29 U.S.C. §§ 201, ET  
 SEQ.**

Complaint Filed: November 30, 2016

**STIPULATION**

Pursuant to Federal Rule of Civil Procedure 15(a)(3) and L.R. 6-1, Plaintiffs Andre Scott, Ken Fassler, and Elijah Maxwell-Wilson (“Plaintiffs”) and Defendant Comcast Cable Communications Management, LLC (“Defendant”) (collectively, the “Parties”), through their undersigned counsel of record, stipulate that Defendant’s deadline for responding to the First Amended Complaint be extended for a short time. In support of their Stipulation, the Parties state as follows:

WHEREAS, Plaintiffs filed the Complaint on November 30, 2016, which they served on Defendant on December 1, 2016;

WHEREAS, the Parties previously stipulated to extend Defendant’s deadline to file its responsive pleading to January 20, 2017 (Dkt. 6) to allow the Parties time to meet and confer regarding Defendant’s contention that the Complaint was deficient;

WHEREAS, on January 13, 2017, Plaintiffs agreed to file a First Amended Complaint to address some of the asserted deficiencies in the Complaint;

WHEREAS, on January 18, 2017, the Parties stipulated to extend Defendant’s deadline to file its responsive pleading to 14 days after the date Plaintiffs filed the First Amended Complaint (Dkt. 16), and the Court approved this stipulation (Dkt. 17);

WHEREAS, on January 31, 2017, Plaintiffs filed the First Amended Complaint (Dkt. 18);

WHEREAS, on February 8, 2017, the Parties met and conferred regarding whether Plaintiffs Andrew Scott and Elijah Maxwell-Wilson would dismiss their claims alleged in the Sixth Claim for Relief under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. Sections 201, et seq.;

WHEREAS, on February 14, 2017, Plaintiffs Scott and Maxwell-Wilson agreed to dismiss their claims under the FLSA;

WHEREAS, in accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs will file a Notice of Dismissal of the FLSA claim in the Sixth Claim for Relief as to Plaintiffs 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  
16 Thomas Segal

17 Attorneys for Plaintiffs  
18 ANDRE SCOTT, KEN FASSLER, and  
ELIJAH MAXWELL-WILSON

19 Dated: February 14, 2017

MORGAN, LEWIS & BOCKIUS LLP

20 By \_\_\_\_\_ /s/ Daryl S. Landy  
21 Daryl S. Landy  
22 Jennifer Svanfeldt

23 Attorneys for Defendant  
24 COMCAST CABLE COMMUNICATIONS  
25 MANAGEMENT, LLC  
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**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

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**~~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.

