

1 JONATHAN H. BLAVIN (State Bar No. 230269)
 jonathan.blavin@mto.com
 2 ANKUR MANDHANIA (State Bar No. 302373)
 ankur.mandhania@mto.com
 3 MOLLY K. PRIEDEMAN (State Bar No. 302096)
 molly.priedeman@mto.com
 4 MUNGER, TOLLES & OLSON LLP
 560 Mission Street
 5 Twenty-Seventh Floor
 San Francisco, California 94105-2907
 6 Telephone: (415) 512-4000
 Facsimile: (415) 512-4077
 7

Attorneys for LYFT, INC.

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
 12

13 PETE PETERSON, on behalf of himself and
 others similarly situated,

14 Plaintiff,

15 vs.

16 LYFT, INC.,

17 Defendant.
 18

Case No. 3:16-cv-07343

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER STAYING DISTRICT COURT
 PROCEEDINGS IN THIS ACTION
 PENDING RESOLUTION OF MORRIS V.
 ERNST & YOUNG, LLP, Case No. 16-330
 IN THE U.S. SUPREME COURT**

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 3:16-cv-07343-LB

1 Plaintiff PETE PETERSON, and Defendant LYFT, INC., through their respective
2 counsel of record, and without admission of any kind, or waiver of any defense, objection or other
3 response, hereby stipulate and agree as follows:

4 WHEREAS, Plaintiff filed his Complaint in this action on December 27, 2016;

5 WHEREAS, Defendant filed a Motion to Compel Arbitration and To Dismiss the
6 Complaint on March 13, 2017;

7 WHEREAS, Plaintiff filed a First Amended Complaint on April 3, 2017;

8 WHEREAS, the Court found Defendant's Motion to Compel Arbitration and To
9 Dismiss the Complaint moot on April 17, 2017;

10 WHEREAS, Defendant filed Motion to Compel Arbitration and To Dismiss the
11 First Amended Complaint on April 17, 2017;

12 WHEREAS, Plaintiff has indicated in correspondence with Defendant that it
13 intends to rely on *Morris v. Ernst & Young, LLP*, 834 F.3d 975, 979 (9th Cir. 2016), cert. granted,
14 137 S. Ct. 809 (2017) ("*Morris*"), in opposing Defendant's Motion to Compel Arbitration;

15 WHEREAS, Defendant disagrees that *Morris* applies to Plaintiff's claim in this
16 action;

17 WHEREAS, the U.S. Supreme Court granted the petition for certiorari in *Morris*,
18 Case No. 16-300, on January 13, 2017;

19 WHEREAS, the parties agree that it would be more efficient for the Court and the
20 parties to stay all district court proceedings pending the U.S. Supreme Court's resolution of
21 *Morris*;

22 WHEREAS, by entering into this stipulation, Defendant in no way waives, and
23 reserves all rights with respect to, the argument that *Morris* does not apply to Plaintiff's claim in
24 the First Amended Complaint;

25 WHEREAS, by entering into this stipulation, Plaintiff in no way waives, and
26 reserves all rights with respect to any and all additional arguments in opposition to Defendant's
27 Motion to Compel Arbitration;

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IT IS HEREBY STIPULATED between the parties through their respective counsel that, subject to this court’s approval:

- 1. All district court proceedings in this case are hereby stayed.
- 2. The stay shall be lifted upon the U.S. Supreme Court’s issuance of a decision in *Morris*.
- 3. The Parties shall meet and confer within fourteen (14) days of the U.S. Supreme Court’s issuance of a decision in *Morris*, and shall file a joint status report thereafter.

DATED: April 27, 2017

REESE LLP
MICHAEL R. REESE

HALUNEN LAW
MELISSA WOLCHANSKY

FRANCIS & MAILMAN, P.C.
JAMES A. FRANCIS
JOHN SOUMILAS

By: /s/ Michael R. Reese
Michael R. Reese
Attorneys for Plaintiff Pete Peterson

DATED: April 27, 2017

MUNGER, TOLLES & OLSON LLP
JONATHAN H. BLAVIN
ANKUR MANDHANIA
MOLLY K. PRIEDEMAN

By: /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN
Attorneys for Defendant LYFT, INC.

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

April 28, 2017
Date



Hon. Laurel Beeler
UNITED STATES MAGISTRATE
JUDGE