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Apple Inc.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

14 DEONN MORGAN, LYDIA ZEPEDA,
15 SOPHIA IVY, KELLY OKOROCHA, and
JENNIFER ZIELINSKI, individually and on
16 behalf of themselves and all others similarly
situated,

17 Plaintiffs,

18 v.

19 APPLE INC.,

20 Defendant.

Case No. 4:17-cv-5277-RS

**STIPULATION AND [~~PROPOSED~~] ORDER
SETTING BRIEFING SCHEDULE AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

Judge: Hon. Richard Seeborg

Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12 Plaintiffs Deonn Morgan, Lydia Zepeda, Sophia Ivy, Kelly Okorochoa, and Jennifer Zielinski (“Plaintiffs”) and Defendant Apple Inc. (“Defendant”), by and through their respective counsel hereby agree and stipulate that good cause exists to request an order from the Court setting the below briefing schedule on Apple’s anticipated Motion to Dismiss the Complaint and rescheduling the initial Case Management Conference currently set in this action for December 12, 2017 to March 1, 2018, and to adjust accordingly the related deadlines as set forth below:

WHEREAS, Plaintiffs filed their initial complaint (ECF No. 1) on September 12, 2017.

WHEREAS, Plaintiffs filed a corrected complaint on September 13, 2017 ((ECF No. 3-1) the “Complaint”)

WHEREAS, on September 14, 2017, the Court issued an order setting the initial Case Management Conference and ADR deadlines, which set forth the following:

Date	Event
November 21, 2017	Last day to: meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
	File ADR Certification by parties and counsel
	File either stipulation to ADR Process or Notice of Need for ADR Phone Conference
December 5, 2017	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
December 12, 2017	Initial Case Management Conference

WHEREAS, Apple’s response to the Complaint is currently due on November 27, 2017, which is the Monday after the Thanksgiving holiday;

WHEREAS, the parties agree that in light of the Thanksgiving holiday, Apple’s deadline to respond to the Complaint should be extended to December 1, 2017;

WHEREAS, Apple intends to file a motion to dismiss the Complaint;

WHEREAS, the parties met and conferred regarding a hearing date after checking the Court’s calendar to determine the Court’s availability;

WHEREAS, based on the Court’s calendar, the parties agreed that the hearing date on

Apple's Motion to Dismiss should be set for March 1, 2017;

WHEREAS, in light of the agreed upon hearing date and the upcoming Court holidays and the parties' and their respective counsels' related travel schedules, the parties agreed on the briefing schedule set forth below;

WHEREAS, the parties agree that to conserve judicial and party resources, the initial Case Management Conference should be the same day as the hearing on Apple's Motion to Dismiss;

WHEREAS, the parties agree, in light of the above, that the following schedule should be set:

Date	Event
December 1, 2017	Apple's Motion to Dismiss the Complaint
January 12, 2018	Plaintiffs' Opposition to Apple's Motion to Dismiss
February 8, 2018	Apple's Reply in support of its Motion to Dismiss
February 9, 2018	Last day to: meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
	File ADR Certification by parties and counsel
	File either stipulation to ADR Process or Notice of Need for ADR Phone Conference
February 22, 2018	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
March 1, 2018	Initial Case Management Conference and Hearing on Apple's Motion to Dismiss the Complaint

WHEREAS this stipulation shall not be deemed a waiver of any rights or defenses by any party, including, but not limited to, the right of Apple to raise jurisdiction issues or to file any motions to dismiss or motions, the right to object to any discovery requests on any grounds, and this stipulation shall in no way constitute an appearance for the purpose of personal jurisdiction over any party;

NOW THEREFORE, THE FOLLOWING IS HEREBY STIPULATED by and between the parties, through their respective counsel:

The following deadlines will be set in this action:

Date	Event
December 1, 2017	Apple's Motion to Dismiss the Complaint
January 12, 2018	Plaintiffs' Opposition to Apple's Motion to Dismiss

February 8, 2018	Apple's Reply in support of its Motion to Dismiss
February 9, 2018	Last day to: meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan
	File ADR Certification by parties and counsel
	File either stipulation to ADR Process or Notice of Need for ADR Phone Conference
February 22, 2018	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
March 1, 2018	Initial Case Management Conference and Hearing on Apple's Motion to Dismiss the Complaint

IT IS SO STIPULATED.

Date: November 20, 2017

COOLEY LLP

By: /s/Michelle C. Doolin

Michelle C. Doolin (179445)

Attorneys for Defendant Apple Inc.

1 Dated: November 20, 2017

TYCKO & ZAVAREEI LLP

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 11/20, 2017



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

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