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16 Attorneys for Defendant
WARNER MEDIA, LLC, as successor in interest to TIME WARNER INC.

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

21 JOHN DOE ONE, JOHN DOE TWO,
22 JOHN DOE THREE, JOHN DOE
FOUR and JOHN DOE FIVE on behalf
of themselves and all others similarly
23 situated,

24 Plaintiffs,

25 v.

26 CVS PHARMACY, INC.;
27 CAREMARK, L.L.C.; CAREMARK
CALIFORNIA SPECIALTY
28 PHARMACY, L.L.C.; NATIONAL
RAILROAD PASSENGER

Case No. 3:18-cv-1031-EMC

**STIPULATION RE: CONTINUING
DEADLINE FOR WARNER
MEDIA, LLC, as successor in interest
to TIME WARNER INC. TO
RESPOND TO PLAINTIFFS'
COMPLAINT**

Case No. 3:18-cv-1031-EMC

1 CORPORATION d/b/a AMTRAK;
2 LOWE'S COMPANIES, INC.; TIME
3 WARNER, INC.; and DOES 1-10,
4 Inclusive,

5 Defendants.

6 Pursuant to Civil Local Rule 6-1(a), Plaintiffs John Doe One, John Doe Two,
7 John Doe Three, John Doe Four, and John Doe Five (collectively, "Plaintiffs") and
8 Defendant Warner Media, LLC, as successor in interest to Time Warner Inc. ("Warner
9 Media")¹ hereby stipulate as follows:

10 WHEREAS, on February 16, 2018, Plaintiffs commenced this action against
11 CVS Health Defendants and Amtrak, see ECF No. 1;

12 WHEREAS, Plaintiffs recently amended the complaint on June 14, 2018 to add
13 Warner Media as a Defendant, and then subsequently corrected that amended
14 complaint on June 18, 2018, see ECF No. 75;

15 WHEREAS, Warner Media was not served with the First Amended Class Action
16 Complaint until June 21, 2018, making its deadline to respond to Plaintiffs' complaint
17 due on July 12, 2018;

18 WHEREAS, the law firm of Robinson & Cole LLP ("R&C") was recently
19 retained to serve as lead counsel for Warner Media and, on July 17, 2018, retained the
20 undersigned as local counsel, who shall be filing pro hac vice applications on behalf of
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28 ¹ Warner Media, LLC, is the successor in interest to Time Warner Inc.

1 Attorneys Michael H. Bernstein and Jean E. Tomasco of R&C;

2 WHEREAS, on July 11, 2018, Patrick W. Begos of R&C contacted Plaintiffs'
3 counsel to state that R&C had been engaged by Warner Media as counsel for
4 Defendant, Warner Media, and requesting that Plaintiffs consent to an extension
5 beyond Defendant's then current July 12, 2018 deadline, until August 31, 2018, to
6 respond to the complaint;
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8 WHEREAS, ON July 11, 2018, counsel for Plaintiffs responded to Mr. Begos,
9 granting an extension until July 27, 2018 to be uniform with that provided to Defendant
10 Lowe's;
11

12 WHEREAS, on July 13, 2018, Michael H. Bernstein of R&C contacted
13 Plaintiffs' counsel to state that R&C would be associating in as lead counsel for
14 Defendant, Warner Media, and requesting that Plaintiffs consent to an extension until
15 August 10, 2018, to respond to the complaint;
16

17 WHEREAS, counsel for Warner Media has been only recently retained and were
18 not previously involved in this litigation, and further given that Attorney Bernstein will
19 be out of the country through August 2, 2018, Warner Media and its counsel require
20 additional time to review the pleadings and the proceedings in the case thus far, and
21 determine an appropriate response;
22

23 WHEREAS, on July 20, 2018, two of the other named Defendants filed motions
24 to dismiss directed at the First Amended Complaint (ECF Nos. 87 and 89), and those
25 motions have been set for hearing on September 27, 2018 at 1:30 p.m.; and
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1 WHEREAS, extending the deadline for Warner Media to respond to the
2 operative complaint to August 10, 2018, and if Warner Media elects to file a motion
3 directed at the pleading would set it for September 27, 2018, the same hearing date as
4 the other pending motions, should not alter the date of any event or any deadline
5 already fixed by Court order.
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8 **NOW, THEREFORE, IT IS HEREBY STIPULATED** by and between the
9 Parties through their undersigned counsel, that (1) Warner Media shall respond to
10 Plaintiffs' complaint on or before August 10, 2018, (2) if Warner Media elects to file a
11 motion directed at the pleading would set it for September 27, 2018, the same hearing
12 date as the other pending motions; (3) this Stipulation shall not affect any other
13 deadlines presently scheduled in the case, and (4) by entering into this Stipulation,
14 Plaintiffs do not waive any claim or defense to any response that may be submitted by
15 Warner Media.
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Dated: July 23, 2018

WFBM, LLP

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Dated: July 23, 2018

WHATLEY KALLAS, LLP

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Counsel for Plaintiffs

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that a true and correct copy of the foregoing
3 document has been served on July 23, 2018 to all counsel of record, who are
4 deemed to have consented on electronic service via the court's CM/ECF system per
5 Civil Local Rule 5.1.
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9 Dated: July 23, 2018

WFBM, LLP

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