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Attorneys for Defendant Walmart Inc.

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 PEARL MAGPAYO,

14 Plaintiff,

15 v.

16 WALMART INC.,

17 Defendant.

Case No.: 3:24-cv-01350-WHO

18 **STIPULATION AND [~~PROPOSED~~] ORDER**
 19 **RE: BRIEFING AND HEARING ON**
 20 **DEFENDANT’S MOTION TO DISMISS**
 21 **(ECF NO. 44) AND CONTINUANCE OF**
 22 **FURTHER CASE MANAGEMENT**
 23 **CONFERENCE**

Hon. William H. Orrick

1 Plaintiff Pearl Magpayo (“Plaintiff”) and Defendant Walmart Inc. (“Defendant,” and
2 collectively, the “Parties”) hereby stipulate as follows:

3 **Whereas**, on November 19, 2024, Defendant filed a Motion to Dismiss Plaintiff’s
4 Second Amended Complaint (the “Motion”) (ECF No. 44);

5 **Whereas**, the Motion is set for hearing on January 8, 2025;

6 **Whereas**, pursuant to local rule, Plaintiff’s opposition to the Motion is currently due
7 December 3, 2024;

8 **Whereas**, in light of the upcoming holidays as well as family commitments, Plaintiff’s
9 counsel seeks additional time to prepare and file an opposition to the Motion to Dismiss;

10 **Whereas**, the Parties agree that if Plaintiff is afforded additional time to oppose the
11 Motion, Defendant should be afforded additional time to file a reply;

12 **Whereas**, the Court previously stayed discovery pending its hearing of Defendant’s prior
13 motion to dismiss the First Amended Complaint (see ECF No. 33);

14 **Whereas**, in the interests of economy, the Parties agree that discovery should continue to
15 be delayed until the Court resolves the pending Motion;

16 **Whereas**, there is a Further Case Management Conference set for December 10, 2024, at
17 2:00 p.m.;

18 **Whereas**, the Parties believe that a Case Management Conference would be more
19 productive following the Court’s hearing of the pending Motion;

20 **Whereas**, the Parties believe that an adjustment may be needed to the presently set
21 deadline for Plaintiff to file a motion for class certification, depending on when and how the
22 pleadings are settled, but believe this can be raised in the Parties’ joint case management
23 statement in advance of the Further Case Management Conference;

24 Now, therefore, subject to the Court’s approval, **IT IS HERBY STIPULATED** by and
25 between the Parties as follows:

- 26 1. The time for Plaintiff’s opposition to Defendant’s Motion to Dismiss shall be
27 continued to January 8, 2025;
- 28 2. Any reply to Plaintiff’s opposition shall be due January 29, 2025;

- 1 3. The hearing on the Motion to Dismiss shall be continued from January 8, 2025, to
2 February 12, 2025, at 2:00 p.m.;
- 3 4. Discovery shall be stayed pending the Court’s resolution of the Motion to
4 Dismiss;
- 5 5. The Further Case Management Conference shall be continued from December 10,
6 2024, to February 25, 2025, at 2:00 p.m.

7 **IT IS SO STIPULATED.**

8 Dated: November 21, 2024

AMIN WASSERMAN GURNANI

9 /s/ William P. Cole

10 William P. Cole

11 *Attorneys for Defendant Walmart Inc.*

12
13 Dated: November 21, 2024

TREEHOUSE LAW, LLP

14 /s/ Ruhandy Glezakos

15 Ruhandy Glezakos (SBN 307473)

16
17 *Attorneys for Plaintiff Pearl Magpayo*

18 **ATTESTATION OF CONCURRENCE IN FILING**

19 I, William Cole, am the ECF User whose ID and password are being used to file the foregoing
20 Stipulation. In compliance with Civil L.R. 5-1(h)(3), I attest that all other signatories listed, and on
21 whose behalf the filing is submitted, concur in the filing’s content and have authorized the filing.

22
23 Dated: November 21, 2024

By: /s/ William P. Cole

24 William P. Cole


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[PROPOSED] ORDER

PURSUANT TO JOINT STIPULATION, IT IS HEREBY ORDERED:

1. The time for Plaintiff’s opposition to Defendant’s Motion to Dismiss the Second Amended Complaint is continued to January 8, 2025;
2. Any reply to Plaintiff’s opposition shall be due by January 29, 2025;
3. The hearing on the Motion to Dismiss is continued from January 8, 2025, to February 12, 2025, at 2:00 p.m.;
4. Discovery shall remain stayed until the Court’s resolution of the Motion to Dismiss; and
5. The Further Case Management Conference is continued from December 10, 2024, to February 25, 2025, at 2:00 p.m. The Parties shall file a joint case management statement no later than one week before the conference.

Dated: November 25, 2024


HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE