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Attorneys for Plaintiff
 MIGUEL GARCIA

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 OAKLAND DIVISION

21 MIGUEL GARCIA, individually and on
 behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 ENTERPRISE HOLDINGS, INC., a
 Missouri corporation, and LYFT INC. d/b/a
 25 Zimride, a Delaware corporation,

26 Defendants.

Case No. 4:14-cv-00596-SBA

**STIPULATION AND ~~PROPOSED~~
 ORDER FOR LEAVE TO FILE
 INSTANTER ENLARGED OPPOSITION
 TO MOTION TO DISMISS AND EXTEND
 TIME FOR REPLY**

Judge: Hon. Sandra Brown Armstrong

Date Filed: February 7, 2014

1 WHEREAS, Plaintiff Miguel Garcia (“Plaintiff”) filed his First Amended Complaint on
2 March 28, 2014; and

3 WHEREAS, Defendants Lyft, Inc. and Enterprise Holdings, Inc. (“Defendants”) filed a
4 Motion to Dismiss the First Amended Complaint, supporting Memorandum, and Request for
5 Judicial Notice on April 28, 2014; and

6 WHEREAS, Plaintiff filed an Opposition to the Request for Judicial Notice, and an
7 Opposition to the Motion to Dismiss on May 12, 2014 that is 19-pages in length;

8 WHEREAS, on May 13, 2014, Defendants informed Plaintiff that its Opposition to the
9 Motion to Dismiss exceeded the Court’s 15-page limitation, but indicated that they would not
10 object to the enlarged brief if Defendants were permitted an additional week to prepare and file
11 their Reply in Support of their Motion to Dismiss, and Reply in Support of their Request for
12 Judicial Notice;

13 WHEREAS, Defendants’ assent to Plaintiff’s enlarged brief is contingent upon an
14 extension of time for Defendants’ filing of Reply briefs;

15 WHEREAS, Defendants’ Reply in Support of their Motion to Dismiss and Reply in
16 Support of their Request for Judicial Notice are presently due on May 19, 2014.

17 THEREFORE, the parties hereby stipulate and agree as follows:

18 **STIPULATION**

19 1. The parties, by and through their undersigned counsel, hereby stipulate and
20 respectfully request that Plaintiff be permitted to file *instanter* an enlarged brief in opposition to
21 Defendants’ Motion to Dismiss of 19-pages in length, which is presently filed at Docket Number
22 40;

23 2. The parties, by and through their undersigned counsel, further stipulate and
24 respectfully request that Defendants’ time in which to file a Reply in Support of their Motion to
25 Dismiss and Reply in Support of their Request for Judicial Notice be extended by one week and
26 one day, from May 19, 2014 to May 27, 2014, to account for the Memorial Day holiday.
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1 3. The reason for the requested change of time for the Defendants' filing of their
2 Reply in support of their Motion to Dismiss is to give Defendants sufficient time to fully consider
3 and brief the issues raised by Plaintiff's filed Opposition to Defendants' Motion to Dismiss, and
4 thereby give the Court a complete record for consideration.

5 4. Four other time modifications have been made by stipulation in this matter. On
6 February 21, 2014, Plaintiff and Enterprise stipulated that the time for Enterprise to respond to the
7 original Complaint would be extended until April 4, 2014. *See* Dkt. 19. On February 25, 2014,
8 Plaintiff and Lyft stipulated that the time for Lyft to respond to the original Complaint would also
9 be extended to April 4, 2014. *See* Dkt. 25. Following the filing of the First Amended Complaint,
10 the parties stipulated to extend the time for Defendants to respond to the First Amended
11 Complaint until April 28, 2014, and the Court so ordered on March 31, 2014. *See* Dkt. 30.
12 Finally, the parties stipulated to continue their Initial Discovery Deadlines until May 15, 2014 and
13 May 29, 2014 respectively, and to continue the Case Management Conference, which the Court
14 so ordered on April 7, 2014. Pursuant to the April 7, 2014 order, the Case Management
15 Conference was continued until June 18, 2014. Additionally, the Court previously ordered that
16 the initial Case Management Conference be continued from May 6, 2014 to May 7, 2014. *See*
17 Dkt. 23. No other time modifications have been ordered by the Court.

18 5. The effect of this requested time modification would be to extend the briefing
19 scheduling on Defendants' Motion to Dismiss, and Request for Judicial Notice by one week. To
20 allow the Court sufficient time to fully consider the briefing submitted in support of and
21 opposition to Defendants' Motion to Dismiss, the parties agree that—at the Court's discretion—
22 the hearing date for the Motion should also be extended by 7 days, *i.e.*, from June 10, 2014 to
23 June 17, 2014.

24 6. All parties agree to the stipulation as indicated by their signatures below. The
25 parties respectfully request that the Court approve the stipulation, pursuant to Civil L.R. 6-2 and
26 enter an Order thereupon. A form of Proposed Order is filed herewith.

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Dated: May 13, 2014

EDELSON PC

By: /s/ Benjamin S. Thomassen
BENJAMIN S. THOMASSEN

Attorneys for Plaintiff

Dated: May 13, 2014

KEKER & VAN NEST LLP

By: /s/ Michelle S. Ybarra
MICHELLE S. YBARRA

Attorneys for Defendant
LYFT, INC.

Dated: May 13, 2014

CROWELL & MORING LLP

By: /s/ J. Daniel Sharp
J. DANIEL SHARP

Attorneys for Defendant
ENTERPRISE HOLDINGS, INC.

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest that concurrence in the filing of this document has been obtained from the other signatories.

Dated: May 13, 2014

/s/ Benjamin S. Thomassen
BENJAMIN S. THOMASSEN

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~~PROPOSED~~ ORDER

The Court having considered the above joint request, and good standing appearing therefore, HEREBY ORDERS that:

(1) Plaintiff may file a 19-page brief in Opposition to Defendants' Motion to Dismiss. The brief filed at Docket Number 40 is hereby deemed filed; and

(2) Defendants' Reply in Support of their Motion to Dismiss, and Reply in Support of Request for Judicial Notice shall be filed by May 27, 2014.

Further, the June 10, 2014 hearing at 1:00 p.m. on Defendants' Motion to Dismiss, (Dkt. 33), is vacated and reset for June 17, 2014 at 1:00 p.m.

IT IS SO ORDERED.

DATED: May 14, 2014

By: 
Hon. Sandra Brown Armstrong
United States District Court
Northern District of California