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3 OPEN DOOR MARKETING, LLC
4 LARRY DALE CLARK
5 JERRIMY FARRIS

6 **UNITED STATES DISTRICT COURT**
7 **NORTHERN DISTRICT OF CALIFORNIA**

9 SHIKWANA JENNINGS AND LISA
10 DRAKE,

11 Plaintiffs,

12 v.

13 2020 COMPANIES, INC., OPEN
14 DOOR MARKETING, LLC,
15 JERRIMY FARRIS, AND LARRY
16 CLARK,

17 Defendants.

Case No. 15-cv-04080-KAW

**JOINT STIPULATION OF THE PARTIES
AND [~~PROPOSED~~] ORDER TO CONTINUE
DISCOVERY CUTOFF AND DEADLINE TO
FILE MOTIONS**

Complaint Filed: September 8, 2015
Trial Date: None
Magistrate Judge: Hon. Kandis A. Westmore

18 Plaintiffs Shikwana Jennings and Lisa Drake (“Plaintiffs”), and Defendant 2020
19 Communications, Inc. (“2020”), Open Door Marketing, LLC, Jerrimy Farris and Larry Clark,
20 (collectively, the “Parties”), by and through their respective counsel, hereby agree and stipulate as
21 follows:

22 1) On December 12, 2017, this Court held a Further Case Management Conference and set
23 the following deadlines:

24 Close of Expert Discovery: 3/5/18
25 Close of Rebuttal Expert Discovery: 4/2/18
26 Fact Discovery Cutoff: 4/2/18
27 Motions to be filed by: 4/26/18
28

1 2) The Parties jointly request that the Court continue all deadlines in its December 12,
2 2017 Order by approximately 75 days. The new deadlines would be:

3	Close of Expert Discovery:	5/19/18
4	Close of Rebuttal Expert Discovery:	6/19/18
5	Fact Discovery Cutoff:	6/19/18
6	Motions to be filed by:	7/10/18

7 3) Good cause exists to continue the deadlines in the Court’s December 12, 2017 Order.

8 The Parties have been unable to complete all discovery in this action due to a variety of unforeseen
9 developments affecting this litigation, including:

- 10 a. The parties dispute whether certain communications between plaintiffs’ counsel and
11 defendants Larry Clark and Jerrimy Farris are discoverable. The dispute has been
12 submitted the Court for a ruling, (Dkt Nos. 257 & 264), which has not yet been
13 issued. 20/20 has argued that it would be prejudiced if discovery were to proceed
14 without the production of these communications.
- 15 b. On August 24, 2017, Defendants brought a Motion to Compel Arbitration against
16 certain opt-in plaintiffs. (Dkt. No. 216.) The Court stayed the motion pending a
17 ruling from the United States Supreme Court in *Morris v. Ernst & Young LLP*, and
18 simultaneously stayed this case with respect to any “opt-in Plaintiffs who have
19 signed an arbitration agreement, and would be subject to a motion to compel
20 arbitration.” (Dkt. No. 235) As of today, *Morris* remains undecided, and the stay
21 remains in place, preventing the parties from determining whether the claims of
22 those opt-in Plaintiffs will proceed in this Court or in arbitration and, if the former,
23 from completing discovery with regard to those claims.
- 24 c. Due to the stay, Plaintiffs’ Motion For Equitable Tolling of the Statute of
25 Limitations For FLSA Claims Of Expanded Collective Opt-In Plaintiffs (Dkt. No.
26 233) has also been stayed. (Dkt. # 238.) Hence, the applicable statute of limitations
27 for these claims is unresolved, impacting the scope of discovery regarding those
28 claims, if they are ultimately allowed to proceed in this Court.

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4) Additionally, counsel for Plaintiffs and counsel for 2020 are in discussions regarding a possible case management plan which would submit certain potentially dispositive legal issues to the Court for decision in the next 60 days based on a joint statement of facts, while deferring further discovery on other issues until after the Court's ruling, thereby potentially avoiding unnecessary costs and disputes and promoting the efficient use of the Parties' and the Court's resources. Maintaining the existing deadlines would foreclose this possibility.

5) Accordingly, the Parties jointly request that the Court continue the deadlines in its December 12, 2017 Order as set forth above.

IT IS SO STIPULATED.

DATED: March 2, 2018

LICHTEN & LISS-RIORDAN.

By: /s/ Jill S. Kahn
Jill S. Kahn

Attorneys for Plaintiffs

DATED: March 2, 2018

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: /s/ Christopher W. Decker
Christopher W. Decker

Attorneys for Defendant
20/20 COMMUNICATIONS, INC.
(erroneously sued as 2020 Companies LLC)

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT the deadline set forth in the Court's December 12, 2017 Order are modified as follows:

Close of Expert Discovery:	5/19/18
Close of Rebuttal Expert Discovery:	6/19/18
Fact Discovery Cutoff:	6/19/18
Motions to be filed by:	7/10/18

DATED: 3/6/18


United States Magistrate Judge

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