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7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
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11  
 12 KRISTIN HALEY, individually and on  
 behalf of all others similarly situated, et al.

13 Plaintiffs,

14 vs.

15 MACY’S, INC., et al.

16 Defendants.  
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Case No.: 4:15-cv-06033-HSG

(Consolidated with:  
 3:16-cv-01252-HSG,  
 4:16-cv-02850-KAW, and  
 4:16-cv-03341-KAW)

**STIPULATION AND ~~PROPOSED~~  
 ORDER SETTING BRIEFING  
 SCHEDULE AND HEARING DATE AS  
 TO DEFENDANT’S (1) FED. R. CIV. P.  
 12(b)(6) MOTION TO DISMISS  
 PLAINTIFFS’ AMENDED  
 CONSOLIDATED COMPLAINT and (2)  
 FED. R. CIV. P. 12(b)(1) MOTION TO  
 DISMISS PLAINTIFFS’ AMENDED  
 CONSOLIDATED COMPLAINT FOR  
 LACK OF STANDING**

Judge: Hon. Haywood S. Gilliam, Jr.  
 Ctrm: 2, 4<sup>th</sup> Floor

STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING DEADLINES AS TO DEFENDANT’S MOTIONS TO DISMISS - CASE NO. 15-cv-06033-HSG

1 This Stipulation is entered into by and between Plaintiffs Kristin Haley, Todd Benson,  
2 Zoreh Farhang, Job Carder and Erica Vinci (“Plaintiffs”) and Defendant Macy’s West Stores,  
3 Inc. (“Defendant”), by and through their counsel of record:

4 WHEREAS, on September 1, 2017, Defendant filed a Fed. R. Civ. P. 12(b)(1) Motion to  
5 Dismiss Plaintiffs’ Amended Consolidated Complaint for Lack of Standing and a Fed. R. Civ.  
6 P. 12(b)(6) Motion to Dismiss Plaintiffs’ Amended Consolidated Complaint;

7 WHEREAS, the two separate motions that were filed include three separate client  
8 declarations and an extensive request for judicial notice which raise factual issues outside of the  
9 Amended Complaint and will require client declarations in the response;

10 WHEREAS, the parties agree that the briefing on the issues raised by the Motions to  
11 Dismiss would benefit from taking more time than is contemplated by the Local Rules for the  
12 typical motion to dismiss;

13 WHEREAS, absent this Stipulation and [Proposed] Order, oppositions to each Motion to  
14 Dismiss would be due on September 15, 2017, and replies would be due on September 22, 2017,  
15 and the hearing would be held on November 2, 2017;

16 WHEREAS, no discovery cut-off date, pretrial conference date, or trial date has been set  
17 in this matter.

18 WHEREAS, there have been no prior requests for extensions of deadlines presented to  
19 this Court for Plaintiffs’ oppositions or Defendant’s reply to these motions.

20 NOW, THEREFORE, Plaintiffs and Defendant enter into the following Stipulation,  
21 subject to its being validated by an order of this Court:

22 1. Plaintiffs’ Opposition to each Motion to Dismiss shall be due no later than  
23 September 26, 2017.

24 2. Defendant’s Reply to each motion shall be due on October 12, 2017.

1           3.       The hearing on this matter shall be continued from November 2, 2017 to  
2 November 9, 2017, or such later date as the Court shall direct.

3           IT IS SO STIPULATED, BY AND THROUGH COUNSEL OF RECORD.

4 DATED: September 15, 2017

**GREEN & NOBLIN, P.C.**

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*Attorneys for Plaintiffs Haley and Farhang*

16 DATED: September 15, 2017

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1  
2 DATED: September 15, 2017

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*Attorneys for Plaintiffs Carder and Vinci*

13 DATED: September 15, 2017

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22 DATED: September 15, 2017

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*Attorneys for Defendant,  
Macy's West Stores, Inc.*

1           **IT IS HEREBY ORDERED** that the following schedule shall govern the pending  
2 Motion to Dismiss the First Amended Complaint instead of the deadlines that would otherwise  
3 pertain under Local Rules 7-9 and 7-10

4           1.       Plaintiffs' Opposition to each Motion to Dismiss shall be due no later than  
5 September 26, 2017.

6           2.       Defendant's Reply to each motion shall be due on October 12, 2017.

7           3.       The hearing on this matter shall be continued from November 2, 2017 to  
8 November 16, 2017.

9  
10 Dated: 9/18/2017

  
Hon. Haywood S. Gilliam, Jr.  
United States District Judge