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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TSI USA LLC,
Plaintiff,
v.
UBER TECHNOLOGIES, INC.,
Defendant.

Case No.17-cv-03536-HSG

**ORDER DIRECTING SUPPLEMENTAL
BRIEFING ON DEFENDANT'S
MOTION TO DISMISS**

Re: Dkt. No. 42

The parties dispute which forum's law governs this case but did not fully brief the issue. Defendant Uber Technologies, Inc.'s motion to dismiss applies California law. Dkt. No. 42. Plaintiff TSI USA LLC's opposition raises the issue of whether California or Texas law applies without arguing the issue. Dkt. No. 53-2. Defendant's reply points to the language of the underlying contract's choice-of-law provision, as well as the order transferring the case from the U.S. District Court for the Northern District of Texas to this Court, but does not engage with the applicable choice-of-law doctrine. Dkt. No. 56.

As such, the parties are directed to submit simultaneous supplemental briefs, not to exceed five pages, focusing on the applicable choice-of-law rules and which state's law governs this case. Prior to submitting their briefs, the parties must meet and confer on this issue. If the parties can reach an agreement, they may file a joint statement stipulating to the applicable governing law in lieu of supplemental briefing.

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United States District Court
Northern District of California

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The briefs or joint statement must be submitted by October 31, 2017. No responsive filings will be permitted. The October 26, 2017 hearing on the motion to dismiss is **VACATED**, and unless otherwise ordered the motion will be taken under submission once the supplemental filings are submitted.

IT IS SO ORDERED.

Dated: 10/17/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge