

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GREG GARRISON, et al.,
Plaintiffs,
v.
ORACLE CORPORATION,
Defendant.

Case No. 14-CV-04592-LHK
ORDER REQUIRING SUPPLEMENTAL BRIEFING

In briefing Oracle’s motion for judgment on the pleadings, the parties agreed that, under the default accrual rules, “the applicable statutes of limitations began to run in May 2007 (i.e., when Plaintiff alleges Oracle and Google entered into the Agreement).” Garrison v. Oracle Corp., No. 14-CV-04592-LHK, 2015 WL 849517, at *6 (N.D. Cal. Apr. 22, 2015). In the Second Amended Complaint, Plaintiffs allege new Secret Agreements, in addition to the alleged agreement between Oracle and Google. Highlighting these new agreements, Oracle argues that Plaintiffs’ claims accrued, according to the default accrual rules, by 2009, which is the latest date that Plaintiffs allege that Oracle entered a specific Secret Agreement. ECF No. 110, at 7; ECF No. 125, at 2. Thus, according to Oracle, the statutes of limitations expired in 2013 absent some form of tolling. ECF No. 125, at 2. Plaintiffs do not dispute Oracle’s argument, see generally ECF No.

1 114, and “assume” that—absent an exception to the default accrual rules or tolling—Plaintiffs’
2 California law claims, at least, accrued in 2007 and the statutes of limitations thus expired by
3 2011, see ECF No. 114, at 12-13. The parties do not dispute that the claims are untimely absent
4 an exception to the default rules or a tolling doctrine.

5 On June 5, 2015, the parties stipulated to adding Plaintiff Sastry Hari, who began working
6 for Oracle in the middle of 2012, as a named plaintiff in the Second Amended Complaint. ECF
7 No. 103. The Court approved the parties’ stipulation the same day. ECF No. 104.

8 The Court requests that the parties brief whether Plaintiff Hari’s employment at Oracle
9 impacts the statute of limitations analysis. The parties shall file simultaneous briefs of 10 pages
10 by 5:00 p.m. on January 5, 2016. The parties shall file simultaneous replies of 8 pages by 5:00
11 p.m. on January 15, 2016.

12 **IT IS SO ORDERED.**

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14 Dated: December 17, 2015

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16 _____
17 LUCY H. KOH
18 United States District Judge

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