

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ANNA NEMYKINA, for Herself, as a
Private Attorney General, and/or On Behalf
Of All Others Similarly Situated,

Plaintiff,

v.

OLD NAVY, LLC; OLD NAVY
(APPAREL), LLC; OLD NAVY
HOLDINGS, LLC; GPS SERVICES, INC.;
THE GAP, INC., and DOES 1-20, inclusive,

Defendants.

No. 2:19-cv-01958-BJR

**STIPULATION AND
ORDER RE: SETTLEMENT**

Plaintiff Anna Nemykina (“Plaintiff”) and Defendants Old Navy, LLC, Old Navy (Apparel), LLC, Old Navy Holdings, LLC, GPS Services, Inc., and The Gap, Inc. (collectively, “Defendants”), through their respective counsel of record, hereby inform the Court as follows:

WHEREAS, on or about February 15, 2021, Plaintiff and Defendants executed a written settlement agreement which would settle all of Plaintiff Nemykina’s individual claims and class claims;

WHEREAS, the settlement agreement is a consolidated agreement which would settle this civil action and also simultaneously settle three other civil actions brought against Defendants alleging similar claims of advertising false discounts (which Defendants deny). Of these three other civil actions, two are pending in the San Francisco Superior Court¹ and one was pending in the U.S. District Court for the District of New Jersey;²

WHEREAS, Plaintiff and Defendants will submit the Settlement Agreement to the San Francisco Superior Court for its approval. If the San Francisco Superior Court approves the Settlement Agreement, the settlement will resolve all of the individual and class claims alleged by Plaintiff Nemykina and the plaintiffs in the three other actions; Plaintiff Nemykina would file a voluntary dismissal of this civil action after the conclusion of proceedings in the California state courts. If the San Francisco Superior Court does not approve the Settlement Agreement, then, per Paragraph 4.3 of the Settlement Agreement, the agreement “shall be deemed null and void *ab initio* and the Parties shall be deemed restored to their respective positions *status quo ante*”;

NOW, THEREFORE, Plaintiff and Defendants STIPULATE and AGREE that:

1. All deadlines in this civil action which fall today or after today should be vacated.

¹ *Barba v. Old Navy, LLC, et al.*, Case No. CGC-19-581937 (S.F. Super. Ct.); *Andrews v. Old Navy, LLC, et al.*, Case No. CGC-19-580710 (S.F. Super. Ct.).

² *Tripicchio v. Old Navy, LLC, et al.*, Case No. 1:20-cv-1419 (D.N.J.).

2. The Court orders the parties to submit a joint report regarding the status of the Settlement Agreement every four (4) months, and/or within 21 days of either (a) approval of the Settlement Agreement, or (b) disapproval of the Settlement Agreement that triggers the nullification provision of Paragraph 4.3.

DATED this 16th day of February, 2021.

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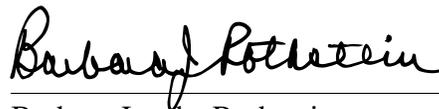
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ORDER

IT IS SO ORDERED.

DATED this 17th day of February, 2021.



Barbara Jacobs Rothstein
U.S. District Court Judge