

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN VANCE and TIM JANECYK, for
themselves and others similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

No. 2:20-cv-01082-JLR

STIPULATION AND
[PROPOSED] ORDER
MODIFYING SCHEDULING
ORDER

**NOTE ON MOTION
CALENDAR:** January 10, 2022

The parties, by and through their counsel, stipulate and agree as follows:

1. Plaintiffs Steven Vance and Tim Janecyk and Defendant Microsoft Corporation, by their attorneys, submit this Stipulation to modify the Scheduling Order in this case (Dkt. 69) to extend the deadline for Plaintiffs' Reply Brief in support of their class certification motion ("Plaintiffs' Reply") from January 13, 2022 until January 18, 2022.

2. On August 31, 2021, the Court entered a modified scheduling order that requires Plaintiffs to file Plaintiffs' Reply on January 13, 2022. Dkt. 69.

3. In connection with Microsoft's response to Plaintiffs' class certification motion, it submitted the declaration of its expert witness, Margaret Daley. Dkt. 83.

4. The parties have reached agreement that Daley will be deposed on January 11, 2022. Because of the proximity of Daley's deposition to the current date for Plaintiffs' Reply, the parties have agreed to extend the date for Plaintiffs' Reply to January 18, 2022.

5. Fed. R. Civ. P. 16(b)(4) provides that "a schedule may be modified only for good cause shown and with the judge's consent." Fed. R. Civ. P. 16(b)(4). LCR 16(b) further provides that "[a] schedule may be modified only for good cause and with the judge's consent." LCR 16(b).

STIPULATION MODIFYING SCHEDULING ORDER
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1 6. The parties agree that good cause justifies this modification of the scheduling order.
 2 Plaintiffs contend the filing of Plaintiffs' Reply on January 13, 2022, as originally scheduled,
 3 would impede Plaintiffs' ability to incorporate Daley's testimony into the reply and to otherwise
 4 respond to Microsoft's assertions based on Daley's opinions. Further, because the Court has
 5 deferred ruling on Plaintiffs' Motion for Class Certification until after it has decided Microsoft's
 6 Motion for Summary Judgment (*see* Dkt 98), there will be no prejudice from this short extension
 7 to file Plaintiffs' Reply.

8
9 IT IS SO STIPULATED.

10 DATED this 10th day of January, 2022.

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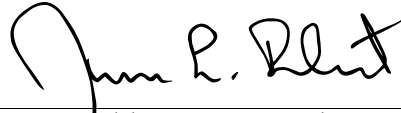
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ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED this 10th day of January, 2022.



Honorable James L. Robart
United States District Judge

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