

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIBAKAR BARUA, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

ZILLOW GROUP, INC., RICHARD
BARTON, ALLEN PARKER, AND JEREMY
WACKSMAN,

Defendants.

No. 2:21-CV-01551-TSZ

**STIPULATION AND ORDER (1)
EXTENDING TIME TO RESPOND
TO COMPLAINT; (2)
ADJOURNING DISCOVERY
DEADLINES; AND (3) SETTING
BRIEFING SCHEDULE ON ANY
MOTION TO DISMISS**

Plaintiff Dibakar Barua ("Plaintiff") and Defendants Zillow Group, Inc., Richard Barton, Allen Parker, and Jeremy Wacksman (collectively, "Defendants") hereby stipulate and agree as follows:

WHEREAS, on November 16, 2021, Plaintiff filed the complaint in the above-captioned action ("Action"), a putative class action arising under the Securities Exchange Act of 1934 ("Exchange Act"), as amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), 15 U.S.C. § 78u-4, against Defendants;

WHEREAS, Section 21D(a)(3)(A)(i) of the PSLRA, 15 U.S.C. 78u-4(a)(3)(A)(i), requires a plaintiff to cause a public notice to be filed within 20 days of filing a putative class action that arises under the PSLRA, which notice Plaintiff published on November 16, 2021;

1 WHEREAS, on November 18, 2021, the Court entered an Order Regarding Initial
2 Disclosures, Joint Status Report, and Early Settlement (Dkt #4) in the Action setting January 3,
3 2022 as the deadline for the Federal Rule of Civil Procedure 26(f) Conference and January 18,
4 2022 as the deadline for initial disclosures pursuant to Federal Rule of Civil Procedure 26(a)(1)
5 and the filing of a Combined Joint Status Report and Discovery Plan pursuant to Federal Rule of
6 Civil Procedure 26(f) and Local Rules W.D. Wash. LCR 26(f);

7 WHEREAS, on November 19, 2021, a second complaint alleging substantially similar
8 allegations as those alleged in this Action was filed, deemed related, and is currently pending
9 before this Court, see *Silverberg v. Zillow Group, Inc., et al.*, No. 2:21-cv-01567-TSZ (W.D.
10 Wash.) ("Silverberg Action");

11 WHEREAS, any purported class member has 60 days from the date the notice was
12 published to move the Court to serve as lead plaintiff on behalf of the putative class, 15 U.S.C. §
13 78u-4(a)(3)(A)(i)(II), making lead plaintiff motions due January 18, 2022;

14 WHEREAS, the PSLRA also provides that, "[i]f more than one action on behalf of a
15 class asserting substantially the same claim or claims arising under [the Exchange Act] has been
16 filed, and any party has sought to consolidate those actions," the Court shall make a
17 determination regarding consolidation before appointing the lead plaintiff, 15 U.S.C. § 78u-
18 4(a)(3)(B)(ii);

19 WHEREAS, the parties anticipate that, concurrent with the process for appointing a lead
20 plaintiff, one or more proposed lead plaintiffs will also move to consolidate this Action with the
21 Silverberg Action;

22 WHEREAS, the parties anticipate that the Court-appointed lead plaintiff will file an
23 amended complaint and that Defendants will file motion(s) to dismiss the amended complaint;

24 WHEREAS, the filing of initial disclosures and a discovery plan would be premature
25 because all discovery, including initial disclosures, in this Action is subject to the discovery stay
26 provisions of the PSLRA. See 15 U.S.C. § 78u-4(b)(3)(B) ("all discovery and other proceedings

1 shall be stayed during the pendency of any motion to dismiss, unless the court finds upon the
2 motion of any party that particularized discovery is necessary to preserve evidence or to prevent
3 undue prejudice to that party"); and

4 WHEREAS, undersigned counsel for Defendants hereby accepts service of summons on
5 behalf of each of the Defendants, without waiving any defenses other than sufficiency of service;

6 WHEREAS, the parties agree that in the interests of judicial economy, conservation of
7 time and resources, and orderly management of this Action, no response to any pleading in this
8 Action, including any motion brought pursuant to Federal Rule of Civil Procedure 12, should
9 occur until after a lead plaintiff and lead counsel are appointed by the Court pursuant to the
10 PSLRA and an amended complaint has been filed or an operative complaint designated;

11 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
12 the undersigned counsel for the undersigned parties, subject to Court approval, as follows:

13 1. Counsel for Defendants accepts service of process for all Defendants in this
14 Action. Defendants' acceptance of service does not waive any of the Defendants' rights or
15 defenses in this action, including, but not limited to, any jurisdictional defense, including lack of
16 personal jurisdiction, other than as to the sufficiency of service.

17 2. Defendants are not required to respond to the complaint previously filed in this
18 Action.

19 3. After the appointment of a lead plaintiff pursuant to 15 U.S.C. § 78u-4(a)(3)(B),
20 lead plaintiff and Defendants shall promptly meet and confer regarding a schedule for the filing
21 of a consolidated complaint or designation of an operative complaint, and a briefing schedule for
22 Defendants' anticipated motion(s) to dismiss. The parties shall meet and confer and submit a
23 joint stipulation with a proposed schedule no later than fourteen (14) business days following the
24 appointment of lead plaintiff.

25 4. Pursuant to the discovery stay provisions of the PSLRA, all discovery related
26 deadlines are vacated until after a ruling on the Defendants' anticipated motion to dismiss.

1 5. Nothing herein shall be deemed to constitute a waiver of any rights, defenses,
2 objections or any other application to any court that any party may have with respect to the
3 claims set forth in the complaint filed in this Action.

4
5 DATED: December 20, 2021

6 By: s/ Benjamin T.G. Nivision
7 Benjamin T.G. Nivision, WSBA Bar No. 39797
8 **ROSSI VUCINOVICH, P.C.**
9 1000 2nd Ave #1780
10 Seattle, WA 98104
11 Telephone: (425) 646-8003
12 Facsimile: (425) 646-8004
13 bnivision@rvflegal.com

14 Robert V. Prongay
15 Charles H. Linehan
16 Pavithra Rajesh
17 **GLANCY PRONGAY & MURRAY LLP**
18 1925 Century Park East, Suite 2100,
19 Los Angeles, CA 90067
20 Telephone: (310) 201-9150
21 Facsimile: (310) 201-9160
22 rprongay@glancylaw.com
23 clinehan@glancylaw.com
24 prajesh@glancylaw.com

25 *Counsel for Plaintiff*

6 By: s/ Sean C. Knowles
7 Sean C. Knowles, WSBA No. 39893
8 **PERKINS COIE LLP**
9 1201 Third Avenue, Suite 4900
10 Seattle, WA 98101
11 Telephone: (206) 359-8000
12 Facsimile: (206) 359-9000
13 SKnowles@perkinscoie.com

14 ***Of Counsel:***

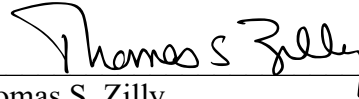
15 Peter B. Morrison (*pro hac vice* application
16 forthcoming)
17 Virginia F. Milstead (*pro hac vice*
18 application forthcoming)
19 Raza Rasheed (*pro hac vice* application
20 forthcoming)
21 **SKADDEN, ARPS, SLATE, MEAGHER**
22 **& FLOM, LLP**
23 300 South Grand Avenue, Ste. 3400
24 Los Angeles, CA 90071
25 Telephone: (213) 687-5000
26 Facsimile: (213) 521-5000
Peter.Morrison@skadden.com
Virginia.Milstead@skadden.com
Raza.Rasheed@skadden.com

Counsel for Defendants
Zillow Group, Inc., Richard Barton,
Allen Parker, and Jeremy Wacksman

ORDER

Pursuant to the above Stipulation, **IT IS SO ORDERED.**

Dated this 21st day of December, 2021.



Thomas S. Zilly
United States District Judge

Presented by:

By: s/ Benjamin T.G. Nivision

Benjamin T.G. Nivision, WSBA Bar No. 39797

ROSSI VUCINOVICH, P.C.

1000 2nd Ave #1780

Seattle, WA 98104

Telephone: (425) 646-8003

Facsimile: (425) 646-8004

bnivision@rvflegal.com

Robert V. Prongay

Charles H. Linehan

Pavithra Rajesh

GLANCY PRONGAY & MURRAY LLP

1925 Century Park East, Suite 2100,

Los Angeles, CA 90067

Email: rprongay@glancylaw.com

Email: clinehan@glancylaw.com

Email: prajesh@glancylaw.com

Counsel for Plaintiff

1 By: s/ Sean C. Knowles
2 Sean C. Knowles, WSBA No. 39893
3 **PERKINS COIE LLP**
4 1201 Third Avenue, Suite 4900
5 Seattle, WA 98101
6 (206) 359-8000
7 SKnowles@perkinscoie.com

8 ***Of Counsel:***

9 Peter B. Morrison (*pro hac vice* application forthcoming)
10 Virginia F. Milstead (*pro hac vice* application forthcoming)
11 Raza Rasheed (*pro hac vice* application forthcoming)
12 **SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP**
13 300 South Grand Avenue, Ste. 3400
14 Los Angeles, CA 90071
15 Tel: (213) 687-5000
16 Facsimile: (213) 521-5000
17 Peter.Morrison@skadden.com
18 Virginia.Milstead@skadden.com
19 Raza.Rasheed@skadden.com

20 *Counsel for Defendants*
21 *Zillow Group, Inc., Richard Barton,*
22 *Allen Parker, and Jeremy Wacksman*