

1 THE HONORABLE JOHN H. CHUN

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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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10 AVELARDO RIVERA and YASMINE  
ROMERO, individually, and on behalf of all  
11 others similarly situated,

12 Plaintiffs,

13 v.

14 AMAZON WEB SERVICES, INC.,  
a Delaware corporation,

15 Defendant.  
16

No. 2:22-CV-00269-JHC

STIPULATED MOTION AND  
ORDER TO EXTEND DEADLINES

NOTE ON MOTION CALENDAR:  
DECEMBER 19, 2023

17 Pursuant to Local Civil Rules 7(d)(1) and 10(g), defendant Amazon Web Services, Inc.  
18 (“AWS”) and plaintiffs Avelardo Rivera and Yasmine Romero (collectively, the “Parties”),  
19 jointly move the Court for short extensions of the following discovery-related deadlines and for a  
20 stay of class certification and related expert discovery deadlines:  
21

| Item  | Current Deadline  | Amended Deadline   |
|---|---|--|
| Plaintiffs’ Motion to Set Additional Discovery Deadlines (Dkt. 129) | AWS’s response deadline:<br>December 26, 2023<br><br>Plaintiffs’ reply deadline:<br>December 29, 2023 | AWS does not oppose Plaintiffs’ Motion to Set Additional Discovery-Related Deadlines (Dkt. 129). However, AWS does not waive the argument that this Motion was |

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STIPULATED MOTION AND ORDER  
(No. 2:22-cv-00269-JHC) – 1

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|    |   |   |   |
|----|---|---|---|
| 1  |   |   | filed untimely on December 11, 2023.  |
| 2  |   |   |   |
| 3  | Plaintiffs' Motion to Seal relating to Motions for Extensions (Dkt. 125)                          | AWS's response deadline: December 26, 2023<br><br>Plaintiffs' reply deadline: December 29, 2023 | AWS's response deadline: January 9, 2024<br><br>Plaintiffs' reply deadline: January 26, 2024  |
| 4  |   |   |   |
| 5  |   |   |   |
| 6  | AWS's Motion for Clarification (Dkt. 131)   | Plaintiffs' response deadline: December 26, 2023<br><br>AWS's reply deadline: December 29, 2023 | Plaintiffs' response deadline: January 9, 2024<br><br>AWS's reply deadline: January 26, 2024  |
| 7  |   |   |   |
| 8  |   |   |   |
| 9  | Plaintiffs' deadline to move to compel related to privilege log                                   | No deadline   | February 9, 2024  |
| 10 |   |   |   |
| 11 | <i>If applicable:</i> Plaintiffs' deadline to move to compel xWiki and landmark testing documents | No deadline   | January 25, 2024. AWS does not waive the argument that any such motion would be untimely, but agrees to brief the issue after January 25, 2024. |
| 12 |   |   |   |
| 13 |   |   |   |
| 14 | AWS's expert disclosures  | Jan. 31, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification (Dkt. 131)   |
| 15 |   |   |   |
| 16 | Plaintiffs' rebuttal expert disclosures   | March 1, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification  |
| 17 |   |   |   |
| 18 | Completion of expert discovery regarding class certification                                      | April 1, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification  |
| 19 |   |   |   |
| 20 | Deadline to file <i>Daubert</i> motions   | May 1, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification  |
| 21 |   |   |   |
| 22 | Deadline to file for class certification  | May 1, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification  |
| 23 |   |   |   |
| 24 | Deadline to respond to motion for class certification   | June 12, 2024   | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification  |
| 25 |   |   |   |
| 26 |   |   |   |

|   |  |             |  |
|---|--|-------------|--|
| 1 | Reply in support of class certification                                | May 9, 2024 | Stayed and to be revisited after the Court's order on AWS's Motion for Clarification |
| 2 |  |             |  |
| 3 | Joint status report and proposed deadlines through class certification | No deadline | 30 days after the Court's order on AWS's Motion for Clarification                    |
| 4 |  |             |  |

5 In support of the foregoing requests for relief, the Parties state as follows:

6 1. On September 27, 2023, the Court entered an Order granting in part and denying  
7 in part plaintiffs' Motion to Compel. *See* Dkt. 116 (the "Motion to Compel Order"). In relevant  
8 part, the Court ordered that AWS produce additional custodial discovery and provide additional  
9 corporate testimony.

10 2. On October 4, 2023, the Court entered a scheduling order regarding class  
11 certification, which set additional deadlines for the completion of fact discovery, expert  
12 discovery, and the briefing schedule for plaintiffs' upcoming motion for class certification. Dkt.  
13 117.

14 3. On October 30, 2023, the Parties filed a Stipulated Motion to Extend Discovery  
15 Related Deadlines (Dkt. 122) requesting certain extensions so that they could prepare for,  
16 schedule, and complete an additional Rule 30(b)(6) deposition to comply with the Court's  
17 Motion to Compel Order (Dkt. 116).

18 4. The Parties have worked diligently to complete the additional discovery ordered  
19 by the Court and have completed custodial discovery and an additional Rule 30(b)(6) deposition.  
20 Further, AWS produced a privilege log related to its October 30, 2023 production on November  
21 29, 2023, which plaintiffs are reviewing.

22 5. Recently, the Parties each filed motions, which, per the Court's normal briefing  
23 schedule, would require the Parties to file responses on or near the winter holidays. For example,  
24 under the current schedule, AWS's responses to plaintiffs' Motion to Set Additional Discovery  
25

1 Deadlines and Motion to Seal would be due December 26, 2023, and plaintiffs' Response to  
2 AWS's Motion for Clarification would be due the same day.

3 6. Counsel for both Parties have pre-planned absences during the holiday season that  
4 conflict with the briefing schedule on the Parties' recently-filed motions. Additionally, witness  
5 declarations will be required to support plaintiffs' motion to seal, but the relevant witnesses and  
6 in-house counsel for AWS have pre-planned absences during the holidays as well.

7 7. Disposition of the AWS's pending Motion for Clarification, Dkt. 131, is critical to  
8 the efficient administration of the matter, as are the Court's rulings on any future motions to  
9 compel that Plaintiffs seek to file, *see* Dkt. 129. For that reason, the Parties request that the Court  
10 stay all currently-set expert discovery and class certification deadlines, as outlined above, until  
11 the Court rules on AWS's Motion for Clarification.

12 8. The Parties agree that, given the complexity of this case, the importance of the  
13 Parties' motions, as well as the approaching holidays and pre-planned absences of the Parties and  
14 counsel, that an extension is appropriate regarding the deadlines for the recently-filed motions,  
15 and that a short stay is appropriate for expert disclosures and class certification briefing. As such,  
16 good cause exists for these extensions.

17 9. Within thirty days of the Court's ruling on AWS's Motion for Clarification, the  
18 Parties agree to submit a joint status report to the Court that includes proposed deadlines through  
19 class certification.

20 WHEREFORE, the Parties respectfully request that the Court enter an order extending  
21 existing case deadlines in accordance with this Stipulated Motion.

1 Dated: December 19, 2023

2  
3 By: /s/ Ryan Spear

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19 **LCR 7(e) Certification**

20 LCR 7(e) Certification I certify that this memorandum contains 904 words, in compliance  
21 with the Local Civil Rules.

22 /s/ Ryan Spear

1 **ORDER**

2  
3 IT IS SO ORDERED.

4 DATED this 19th day of December, 2023.

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6 HONORABLE JOHN H. CHUN  
7 UNITED STATES DISTRICT JUDGE

8 Presented by:

9 By: /s/ Ryan Spear

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