

The Honorable James L. Robart

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
27

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MEREDITH BEAGLE, JORDAN GUERRERO,
and SOFAUNA JOHNSON on Behalf of
Themselves and All Others Similarly Situated,

Plaintiffs,

v.

AMAZON.COM, INC. and AMAZON.COM
SERVICES LLC,

Defendants.

No. 2:24-cv-00316-JLR

**STIPULATED AND ~~PROPOSED~~
ORDER FOR STAY, FILING OF
AMENDED COMPLAINT, AND
SCHEDULE FOR ANSWER OR
MOTION TO DISMISS**

NOTE ON MOTION CALENDAR:
NOVEMBER 4, 2024

STIPULATED MOTION

Pursuant to Local Civil Rules 10(g) and Federal Rule of Civil Procedure 6, the Parties having conferred about additional information requested by Plaintiffs, stipulate and agree, subject to the Court approval, as follows:

WHEREAS, Plaintiffs filed their Second Amended Complaint, (“SAC”), Dkt. 56, on October 21, 2024, asserting claims against Amazon.com, Inc., and Amazon.com Services LLC (collectively “Amazon”) under the Video Privacy Protection Act, 18 U.S.C. § 2710 and California Civil Code § 1799.3. *Id.* ¶¶ 150–166.

WHEREAS, prior to filing the SAC, Plaintiff Sofauna Johnson alleges that she submitted multiple data requests to Amazon pursuant to Cal. Civ. Code § 1798.110 *et seq.* See SAC ¶¶ 97–106. Johnson alleges that she submitted her first data request on July 10, 2024, through

1 Amazon’s “Request Your Data” webpage. *Id.* ¶ 98. Amazon asserts that its records show that
2 Johnson’s July 10, 2024 request was incomplete because it sought only Johnson’s subscription
3 data, and that Amazon complied with that request by providing Johnson this data.

4 WHEREAS, Johnson alleges she then submitted a second data request on October 3,
5 2024, by emailing Amazon a request seeking data under Cal. Civ. Code § 1798.110 and
6 § 1798.115(c). *Id.* ¶ 103. In the SAC, Johnson alleges that Amazon has yet to fully respond to
7 Johnson’s second request and that Amazon’s failure to respond supports a reasonable inference
8 in Plaintiffs’ favor that Johnson’s data was disclosed in violation of the VPPA. *Id.* ¶ 106.
9 Amazon denies these allegations.

10 WHEREAS, Cal. Civ. Code § 1798.130(a)(2)(A) establishes a 45-day deadline for
11 businesses to respond to consumer requests under Cal. Civ. Code § 1798.110 *et seq.*
12 Accordingly, Amazon has until November 18, 2024, to respond to Johnson’s October 3, 2024
13 request.

14 WHEREAS, recognizing that Amazon’s time to respond Johnson’s October 3, 2024 data
15 request has not expired, and that a further response might affect Plaintiff’s allegations in the
16 SAC, counsel for Amazon met and conferred with Plaintiffs’ counsel (i) to clarify the issues
17 surrounding Johnson’s second data request and Amazon’s forthcoming response, and (ii) the
18 possibliy of an amendment by Plaintiffs based on Amazon’s response. Having met and
19 conferred, counsel for Plaintiffs and Amazon have agreed, subject to the approval of the Court,
20 to stay Amazon’s deadline to respond to Plaintiffs’ SAC and to allow Plaintiffs leave to file a
21 third amended complaint after receiving and reviewing Amazon’s response to Johnson’s second
22 data request. Counsel for Plaintiffs and Amazon further agree that a stay is appropriate here
23 because: (1) no damage or prejudice to either party will result from a stay; and (2) staying
24 Amazon’s deadline to respond so that Plaintiffs can file an third amended complaint will help
25 simplify the issues and questions of law in this case. *See CMAC, Inc. v. Hall*, 300 F.2d 265, 268
26 (9th Cir. 1962) (in determining whether to grant a stay, courts consider “possible damage which
27 may result from the granting of stay, the hardship or inequity which a party may suffer in being

1 required to go forward, and the orderly course of justice measured in terms of the simplifying or
2 complicating of issues, proof, and questions of law which could be expected to result from a
3 stay.”).

4 NOW THEREFORE, subject to the approval of the Court, the Parties hereby agree as
5 follows:

6 1. Amazon’s time to respond to Plaintiffs’ Second Amended Complaint shall be
7 stayed and Amazon shall not be required to answer or move with respect to the presently filed
8 Second Amended Complaint at this time.

9 2. Plaintiffs will have until December 9, 2024, to file a Third Amended Complaint
10 based upon additional information received by Plaintiffs from Amazon, should they chose to do
11 so, or designate the previously filed Second Amended Complaint as the operative complaint.

12 3. Amazon shall file their dispositive motion to the operative pleading on or before
13 January 17, 2025.

14 4. Plaintiffs shall file their opposition to any dispositive motion on or before
15 February 14, 2025.

16 5. Amazon’s reply to any opposition shall be due by February 28, 2025.

17
18 The Parties have previously sought and obtained one prior extension of time in this
19 matter. The only deadlines or case event dates that will be impacted by this stipulated extension
20 concern the deadlines for Amazon to respond to Plaintiffs’ Second Amended Complaint and any
21 associated briefing schedule for any motion to dismiss.

22
23 IT IS SO STIPULATED.

24 DATED this 4 November, 2024.

1 **BURNS CHAREST LLP**

2 By s/ Amanda K. Klevorn
3 Amanda K. Klevorn, *pro hac vice*
4 Korey A. Nelson, *pro hac vice*
5 Laura S. Seggerman, *pro hac vice*
6 365 Canal Street, Suite 1170
7 New Orleans, LA 70130
8 Telephone: (504) 799-2845
9 Facsimile: (504) 881-1765
10 Email: aklevorn@burnscharest.com
11 Email: knelson@burnscharest.com
12 Email: lseggerman@burnscharest.com

13
14 Cristina Delise, *pro hac vice*
15 757 Third Avenue, 20th Floor
16 New York, NY 10017
17 Telephone: (469) 904-4550
18 Facsimile: (469) 444-5002
19 Email: cdelise@burnscharest.com

20 **DUNCAN LAW, PLLC**

21 Shaquelle M. Duncan, WSBA #56701
22 410 SW 10th Street, Suite 215
23 Renton, WA 98057
24 Telephone: (206) 237-7714
25 Facsimile: (206) 238-1324
26 Email: duncans@duncanlawpllc.com

27 **BRAGAR EAGEL & SQUIRE, P.C.**

Melissa A. Fortunato, *pro hac vice*
580 California Street, Suite 1200
San Francisco, CA 94104
Telephone: (415) 568-2124
Facsimile: (212) 304-0506
Email: fortunato@bespc.com
Lawrence P. Eigel, *pro hac vice*
Casey C. DeReus, *pro hac vice*
810 Seventh Avenue, Suite 620
New York, NY 10019
Telephone: (212) 308-5858
Facsimile: (212) 486-0462
Email: eigel@bespc.com
Email: dereus@bespc.com

DAVIS WRIGHT TREMAINE LLP

By s/ John Goldmark
John Goldmark, WSBA #40980
Lauren B. Rainwater, WSBA #43625
Erwin Reschke, *pro hac vice*
920 Fifth Avenue, Suite 3300
Seattle, WA 98104-1610
Telephone: (206) 757-8136
Email: JohnGoldmark@dwt.com
Email: LaurenRainwater@dwt.com
Email: ErwinReschke@dwt.com

*Counsel for Defendants Amazon.com, Inc.
and Amazon.com Services LLC*

CARSON NOEL PLLC

By s/ Wright A. Noel
Wright A. Noel
20 Sixth Avenue NE
Issaquah, WA 98027
Telephone: (425) 837-4717
Facsimile: (425) 837-5396
Email: wright@carsonnoel.com

BURSOR & FISHER, P.A.

Joseph I. Marchese, *pro hac vice*
Phillip L. Fraietta, *pro hac vice*
1300 Avenue of the Americas, 32nd Floor
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: jmarchese@bursor.com
Email: pfraietta@bursor.com

Brittany S. Scott, *pro hac vice*
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
Email: bscott@bursor.com

Counsel for Plaintiff Sofauna Johnson

1 *Counsel for Plaintiffs Meredith Beagle*
2 *and Jordan Guerrero*

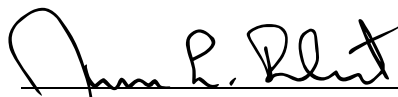
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 **PROPOSED ORDER**

2 Pursuant to the Parties' above stipulated motion, the Court Orders that:

- 3 ▪ Amazon's deadline to respond to Plaintiffs' Second Amended Complaint is
4 stayed;
- 5 ▪ Plaintiffs are granted leave to file a third amended complaint by December 9,
6 2024,
- 7 ▪ Amazon's deadline to respond to Plaintiffs' amended complaint is extended to
8 January 17, 2025;
- 9 ▪ Plaintiffs' response to any motion to dismiss the amended complaint is extended
10 to February 14, 2025, and Amazon's reply in support is extended to February 28,
11 2025.

12 IT IS SO ORDERED this 4th day of November, 2024.

13 

14 _____
15 The Honorable James L. Robart
16 UNITED STATES DISTRICT JUDGE