

1 THE HONORABLE MARSHA J. PECHMAN  
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9 **UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

10 KIM CARTER MARTINEZ, on behalf of  
11 herself and all others similarly situated,

12 Plaintiff,

13 vs.

14 ZOOMINFO TECHNOLOGIES INC., a  
15 Delaware corporation

16 Defendant.

17 Civil Action No. 3:21-cv-05725-MJP

18 **STIPULATED MOTION AND ORDER  
TO STAY CASE PENDING ANTI-SLAPP  
APPEAL**

19 NOTING DATE: May 5, 2022

20 This stipulated motion is made by and between Defendant ZoomInfo Technologies Inc.  
21 and Plaintiff Kim Carter Martinez through their respective counsel of record.

22 1. Whereas, Plaintiff filed this action on September 30, 2021, alleging ZoomInfo  
23 violated her statutory and common-law right of publicity under California law. ECF No. 1.

24 2. Whereas, on December 8, 2021, ZoomInfo moved to strike each cause of action in  
25 Plaintiff's complaint pursuant to California's anti-SLAPP statute on the grounds that her suit  
26 challenges speech concerning a matter of public concern. ECF No. 19.

27 3. Whereas, on April 11, 2022, the Court denied ZoomInfo's anti-SLAPP motion.  
28 ECF No. 39.

29 4. Whereas, on April 14, 2022, ZoomInfo appealed the Court's order denying its anti-  
30 SLAPP motion. ECF No. 40.

31 STIPULATED MOTION TO STAY CASE PENDING ANTI-  
32 SLAPP APPEAL  
(3:21-cv-05725-MJP)

33 QUINN EMANUEL URQUHART & SULLIVAN, LLP  
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1       5.     Whereas, following the Court’s denial of ZoomInfo’s motion, ZoomInfo informed  
 2 Plaintiff that it intended to move for a stay pending appeal on the grounds that (1) the appeal has  
 3 divested the Court of jurisdiction and (2) California’s automatic stay provision must be applied  
 4 where, as here, the Court is sitting in diversity. *See, e.g., Nat. Res. Def. Council, Inc. v. Sw. Marine*  
 5 *Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) (filing notice of appeal “divest[s] [the Court] of  
 6 jurisdiction over the matters being appealed”); *Makaeff v. Trump Univ., LLC*, 2011 WL 613571,  
 7 at \*2 (S.D. Cal. Feb. 11, 2011) (“[u]nder California law, an appeal of a denial of an anti-SLAPP  
 8 motion automatically stays further trial court proceedings on causes of action related to the  
 9 motion”).

10       6.     Whereas, the parties met and conferred regarding ZoomInfo’s anticipated motion  
 11 to stay and Plaintiff agreed to stipulate to ZoomInfo’s requested stay and to file a joint status report  
 12 within seven calendar days of the Ninth Circuit’s resolution of that appeal.

13       WHEREFORE, the Parties respectfully request an Order staying this case in its entirety  
 14 pending resolution of ZoomInfo’s anti-SLAPP appeal within seven calendar days of the Ninth  
 15 Circuit’s resolution of that appeal.

16       IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

1 DATED May 10, 2022.

2 TURKE & STRAUSS LLP

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5 QUINN EMANUEL URQUHART &  
6 SULLIVAN LLP

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*Attorneys for Plaintiff*

1 IT IS SO ORDERED.

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3 DATED this 10th day of May, 2022.

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Marsha J. Pechman  
United States Senior District Judge