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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

17 ELIZABETH EIESS, on behalf of herself and
all others similarly situated,

18 Plaintiff,

19 v.

20 USAA FEDERAL SAVINGS BANK,

21 Defendant.

CASE NO. 3:19-cv-00108-EMC

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JOINT STIPULATION AND ~~PROPOSED~~
ORDER STAYING DEADLINES
PENDING RESOLUTION OF THE
MOTION TO COMPEL ARBITRATION

1 Pursuant to Civil Local Rule 6-2, Defendant USAA Federal Savings Bank (“USAA”) and
2 Plaintiff Elizabeth Eiess (“Plaintiff”), by and through their counsel, jointly submit this Stipulation
3 Staying Deadlines Pending Resolution of the Motion to Compel Arbitration.

4 WHEREAS, on January 10, 2019, Plaintiff served USAA with the complaint
5 (“Complaint”) in the above-captioned action;

6 WHEREAS, on January 31, 2019, the parties jointly filed a stipulation pursuant to Civil
7 Local Rule 6-1, extending USAA’s deadline to answer or otherwise respond to the Complaint to
8 March 4, 2019 (Dkt. No. 10);

9 WHEREAS, the parties have not sought any other requests to change time in this matter
10 (Decl. of Thomas V. Panoff, ¶ 4);

11 WHEREAS, USAA intends to file a motion to compel arbitration (*Id.*, ¶ 5) ;

12 WHEREAS, the parties have conferred and agreed that USAA will file its motion to
13 compel arbitration on or before March 4, 2019 (*Id.*, ¶¶ 6, 7);

14 WHEREAS, if the Court grants USAA’s motion to compel arbitration, it will not be
15 necessary for the parties or this Court to expend resources on, among other activities, briefing and
16 deciding a motion to dismiss (*Id.*, ¶ 9);

17 WHEREAS, in order to avoid the unnecessary expenditure of resources by the Court and
18 the parties pending the resolution of the motion to compel arbitration, the parties have agreed that
19 all deadlines in this matter, including USAA’s deadline to answer or otherwise respond to the
20 complaint pursuant to a motion under Rule 12, should be stayed pending resolution of the motion
21 to compel arbitration (*Id.*, ¶ 8);

22 WHEREAS, the parties have agreed that, in the event that USAA is required to file an
23 answer or otherwise respond to the Complaint following the Court’s ruling on the motion to
24 compel arbitration, that USAA will be required to answer or otherwise respond to the complaint
25 within 30 days of the issuance of the order resolving the motion to compel arbitration (*Id.*, ¶ 10).

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Date: February 14, 2019

MAYER BROWN LLP

By: /s/ Thomas V. Panoff
Thomas V. Panoff

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Date: February 14, 2019

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LOCAL RULE 5-1(i)(3) ATTESTATION

I, Thomas V. Panoff, hereby attest, pursuant to Local Rule 5-1(i)(3), that concurrence in the filing of this document has been obtained from each of its signatories.

DATED: February 14, 2019

MAYER BROWN LLP

By: /s/ Thomas V. Panoff

Thomas V. Panoff

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: February 15, 2019



HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE