

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:20-cv-04624-AT**

Brown v. Western Digital Corporation
Assigned to: Judge Analisa Torres
Demand: \$5,000,000
Cause: 28:1332fr Diversity-Fraud

Date Filed: 06/16/2020
Date Terminated: 11/09/2020
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Oscar Brown
*individually and on behalf of all others
similarly situated*

represented by **Alec Mitchell Leslie**
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V.

Defendant

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Date Filed	#	Docket Text
06/16/2020	<u>1</u>	COMPLAINT against Western Digital Corporation. (Filing Fee \$ 400.00, Receipt Number ANYSDC-20285222) Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 06/16/2020)
06/16/2020	<u>2</u>	CIVIL COVER SHEET filed..(Kopel, Yitzchak) (Entered: 06/16/2020)
06/16/2020	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Western Digital Corporation, re: <u>1</u> Complaint. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 06/16/2020)
06/17/2020	<u>1</u>	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Analisa Torres. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (pne) (Entered: 06/17/2020)
06/17/2020	<u>1</u>	Magistrate Judge James L. Cott is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (pne) (Entered: 06/17/2020)
06/17/2020	<u>1</u>	Case Designated ECF. (pne) (Entered: 06/17/2020)
06/17/2020	<u>4</u>	ELECTRONIC SUMMONS ISSUED as to Western Digital Corporation..(pne) (Entered: 06/17/2020)

06/22/2020	<u>5</u>	ORDER: To protect the public health, while promoting the "just, speedy, and inexpensive determination of every action and proceeding," Fed. R. Civ. P. 1, it is ORDERED pursuant to Rules 30(b)(3) and 30(b)(4) of the Federal Rules of Civil Procedure that all depositions in this action may be taken via telephone, videoconference, or other remote means. It is further ORDERED pursuant to Rule 30(b)(5) that a deposition will be deemed to have taken place "before an officer appointed or designated under Rule 28" if such officer attends the deposition using the same remote means used to connect all other participants, so long as all participants (including the officer) can clearly hear and be heard by all other participants. The parties are strongly encouraged to engage in discovery through remote means at every available opportunity. SO ORDERED. (Signed by Judge Analisa Torres on 6/22/2020) (kv) (Entered: 06/22/2020)
06/22/2020	<u>6</u>	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 8/19/2020 at 11:20 AM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres. (Signed by Judge Analisa Torres on 6/22/2020) (kv) (Entered: 06/22/2020)
06/22/2020	<u>7</u>	ORDER: To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. (as further set forth herein). SO ORDERED. (Signed by Judge Analisa Torres on 6/22/2020) (kv) (Entered: 06/22/2020)
06/23/2020	<u>8</u>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Western Digital Corporation served on 6/22/2020, answer due 7/13/2020. Service was accepted by Lynanne Gares, Litigation Management/Service Leader, Corporation Service Company. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 06/23/2020)
06/23/2020	<u>9</u>	NOTICE OF APPEARANCE by Max Stuart Roberts on behalf of Oscar Brown..(Roberts, Max) (Entered: 06/23/2020)
06/23/2020	<u>10</u>	NOTICE OF APPEARANCE by Alec Mitchell Leslie on behalf of Oscar Brown..(Leslie, Alec) (Entered: 06/23/2020)
07/02/2020	<u>11</u>	NOTICE OF APPEARANCE by Tonia Maria Ouellette Klausner on behalf of Western Digital Corporation..(Klausner, Tonia Maria) (Entered: 07/02/2020)
07/02/2020	<u>12</u>	LETTER MOTION for Extension of Time to File Answer addressed to Judge Analisa Torres from Tonia Ouellette Klausner dated July 2, 2020. Document filed by Western Digital Corporation..(Klausner, Tonia Maria) (Entered: 07/02/2020)
07/02/2020	<u>13</u>	ORDER granting <u>12</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. GRANTED. By August 12, 2020, Defendant shall answer or otherwise respond to the complaint. SO ORDERED. Western Digital Corporation answer due 8/12/2020. (Signed by Judge Analisa Torres on 7/2/2020) (kv) (Entered: 07/02/2020)
07/29/2020	<u>14</u>	LETTER MOTION for Extension of Time to File Answer <i>and Continuance of Initial Pretrial Conference</i> addressed to Judge Analisa Torres from Tonia Ouellette Klausner dated July 29, 2020. Document filed by Western Digital Corporation..(Klausner, Tonia Maria) (Entered: 07/29/2020)
08/03/2020	<u>15</u>	ORDER granting in part and denying in part <u>14</u> Letter Motion for Extension of Time to Answer re <u>1</u> Complaint. GRANTED in part, DENIED in part. By September 11, 2020, Defendant shall answer or otherwise respond to the complaint. It is further ORDERED that the initial pretrial conference scheduled for August 19, 2020 is ADJOURNED to September 24, 2020 at 10:40 a.m. By September 17, 2020, the parties shall submit their joint letter and proposed case management plan. SO ORDERED. (Signed by Judge Analisa Torres on 8/3/2020) (kv) (Entered: 08/03/2020)
08/03/2020	<u>1</u>	Set/Reset Hearings:(Initial Conference set for 9/24/2020 at 10:40 AM before Judge Analisa Torres.), Set/Reset Deadlines: Western Digital Corporation answer due 9/11/2020. (kv) (Entered: 08/03/2020)

		08/03/2020)
08/11/2020	<u>16</u>	JOINT LETTER addressed to Judge Analisa Torres from Yitzchak Kopel, Esq. dated August 11, 2020 re: Declination of Magistrate Judge. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 08/11/2020)
09/03/2020	<u>17</u>	NOTICE OF APPEARANCE by Peter T. Shapiro on behalf of Western Digital Corporation..(Shapiro, Peter) (Entered: 09/03/2020)
09/03/2020	<u>18</u>	PROPOSED ORDER FOR SUBSTITUTION OF ATTORNEY. Document filed by Western Digital Corporation..(Shapiro, Peter) (Entered: 09/03/2020)
09/03/2020	<u>19</u>	STIPULATION AND ORDER OF SUBSTITUTION OF COUNSEL FOR DEFENDANT, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, pursuant to Local Rule 1.4, that Lewis Brisbois Bisgaard & Smith LLP shall be substituted in the place and stead of Wilson Sonsini Goodrich & Rosati as counsel of record for defendant Western Digital Corporation in the above-captioned matter. Defendant enters into this substitution of counsel knowingly and voluntarily. SO ORDERED. Attorney Tonia Maria Ouellette Klausner terminated. (Signed by Judge Analisa Torres on 9/3/2020) (kv) (Entered: 09/03/2020)
09/11/2020	<u>20</u>	LETTER MOTION for Conference / <i>Pre-Motion Conference</i> addressed to Judge Analisa Torres from Peter T. Shapiro dated September 11, 2020. Document filed by Western Digital Corporation..(Shapiro, Peter) (Entered: 09/11/2020)
09/17/2020	<u>21</u>	LETTER addressed to Judge Analisa Torres from Yitzchak Kopel, Esq. dated September 17, 2020 re: Statement of Jurisdiction Pursuant to Individual Rule II.B. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 09/17/2020)
09/17/2020	<u>22</u>	PROPOSED CASE MANAGEMENT PLAN. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 09/17/2020)
09/17/2020	<u>23</u>	JOINT LETTER addressed to Judge Analisa Torres from Yitzchak Kopel, Esq. dated September 17, 2020 re: Individual Rule II.B. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 09/17/2020)
09/18/2020	<u>24</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge Analisa Torres from Yitzchak Kopel, Esq. dated September 18, 2020 re: <u>20</u> LETTER MOTION for Conference / <i>Pre-Motion Conference</i> addressed to Judge Analisa Torres from Peter T. Shapiro dated September 11, 2020. . Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 09/18/2020)
09/22/2020	<u>25</u>	ORDER terminating <u>20</u> Letter Motion for Conference. It is ORDERED that: 1. By October 2, 2020, Defendant shall file its motion to transfer venue; 2. By October 13, 2020, Plaintiff shall file its opposition. It is further ORDERED that the initial pretrial conference scheduled for September 24, 2020, is ADJOURNED sine die. After resolving Defendant's motion to transfer venue, the Court will set a briefing schedule for Defendant's motion to dismiss if necessary. The Clerk of Court is directed to terminate the motion at ECF No. 20. SO ORDERED. (Signed by Judge Analisa Torres on 9/22/2020) (kv) (Entered: 09/22/2020)
09/22/2020	<u>I</u>	Set/Reset Deadlines: Motions due by 10/2/2020. Responses due by 10/13/2020 (kv) (Entered: 09/22/2020)
09/25/2020	<u>26</u>	MOTION for Eric Y. Kizirian to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-21851106. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Western Digital Corporation. (Attachments: # <u>1</u> Declaration of Eric y. Kizirian in support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order).(Shapiro, Peter) (Entered: 09/25/2020)
09/25/2020	<u>27</u>	

FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Joshua S. Hodas to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–21851307. **Motion and supporting papers to be reviewed by Clerk's Office staff.** Document filed by Western Digital Corporation. (Attachments: # 1 Declaration of Joshua S. Hodas in support of Motion for Admission Pro Hac Vice, # 2 Certificate of Good Standing, # 3 Text of Proposed Order).(Shapiro, Peter) Modified on 9/27/2020 (bcu). (Entered: 09/25/2020)

09/27/2020	<u>1</u>	>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE–FILE Document No. <u>27</u> MOTION for Joshua S. Hodas to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–21851307. Motion and supporting papers to be reviewed by Clerk's Office staff., <u>26</u> MOTION for Eric Y. Kizirian to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC–21851106. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): The motion to appear pro hac vice must come from the attorney who is applying to appear pro hac vice. Please have the attorney who is applying pro hac vice sign the motion.; Re–file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (bcu) Modified on 9/29/2020 (bcu). (Entered: 09/27/2020)
09/29/2020	<u>28</u>	MOTION for Eric Y. Kizirian to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Western Digital Corporation. (Attachments: # <u>1</u> Declaration of Eric Y. Kizirian in support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order).(Kizirian, Eric) (Entered: 09/29/2020)
09/29/2020	<u>1</u>	>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>28</u> MOTION for Eric Y. Kizirian to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 09/29/2020)
09/29/2020	<u>29</u>	ORDER granting <u>28</u> Motion for Eric Y. Kizirian to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (ap) (Entered: 09/29/2020)
09/29/2020	<u>30</u>	MOTION for Joshua S. Hodas to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Western Digital Corporation. (Attachments: # <u>1</u> Declaration of Joshua S. Hodas in support of Motion for Admission Pro Hac Vice, # <u>2</u> Certificate of Good Standing, # <u>3</u> Text of Proposed Order).(Hodas, Joshua) (Entered: 09/29/2020)
09/29/2020	<u>1</u>	>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>30</u> MOTION for Joshua S. Hodas to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 09/29/2020)
09/29/2020	<u>31</u>	ORDER granting <u>30</u> Motion for Joshua S. Hodas to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (ap) (Entered: 09/29/2020)
10/02/2020	<u>32</u>	MOTION to Transfer Case . Document filed by Western Digital Corporation..(Hodas, Joshua) (Entered: 10/02/2020)
10/02/2020	<u>33</u>	DECLARATION of Joshua S. Hodas, Esq. in Support re: <u>32</u> MOTION to Transfer Case .. Document filed by Western Digital Corporation. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D).(Hodas, Joshua) (Entered: 10/02/2020)
10/02/2020	<u>34</u>	MEMORANDUM OF LAW in Support re: <u>32</u> MOTION to Transfer Case . . Document filed by Western Digital Corporation..(Hodas, Joshua) (Entered: 10/02/2020)
10/07/2020	<u>35</u>	

		LETTER MOTION for Extension of Time to File Response/Reply as to <u>32</u> MOTION to Transfer Case . addressed to Judge Analisa Torres from Yitzchak Kopel, Esq. dated October 7, 2020. Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 10/07/2020)
10/08/2020	<u>36</u>	ORDER granting <u>35</u> Letter Motion for Extension of Time to File Response/Reply. GRANTED. By October 27, 2020, Plaintiff shall oppose Defendant's motion to transfer. By November 10, 2020, Defendant shall reply. SO ORDERED. Responses due by 10/27/2020 Replies due by 11/10/2020. (Signed by Judge Analisa Torres on 10/8/2020) (kv) (Entered: 10/08/2020)
10/27/2020	<u>37</u>	MEMORANDUM OF LAW in Opposition re: <u>32</u> MOTION to Transfer Case . . Document filed by Oscar Brown..(Kopel, Yitzchak) (Entered: 10/27/2020)
11/09/2020	<u>38</u>	ORDER granting <u>32</u> Motion to Transfer Case. Western Digital's motion to transfer is GRANTED in the interests of justice. The Clerk of Court is directed to transfer this case to the United States District Court for the Northern District of California, terminate the motion at ECF No. 32, and close the case. SO ORDERED. (Signed by Judge Analisa Torres on 11/9/20) (yv) Transmission to Office of the Clerk of Court for processing. (Entered: 11/09/2020)
11/09/2020	<u>İ</u>	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court – District of Northern District of California.(yv) (Entered: 11/16/2020)