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8 Attorneys for Defendants  
9 FENIX INTERNATIONAL LIMITED and  
10 FENIX INTERNET LLC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 MARCELO MUTO, NOAH  
14 BREEZE, and all others similarly  
15 situated,

16 Plaintiffs,

17 v.

18 FENIX INTERNATIONAL  
19 LIMITED; FENIX INTERNET LLC,

20 Defendants.

Case No. 5:22-cv-02164-SSS-KK

**JOINT STIPULATION FOR  
CONSOLIDATION**

Hon. Sunshine Sykes

21 JOHN DOE 1 and JOHN DOE 2,  
22 individually and on behalf of all  
23 others similarly situated,

24 Plaintiffs,

25 v.

26 FENIX INTERNET LLC, a Delaware  
27 limited liability corporation; FENIX  
28 INTERNATIONAL LIMITED, and  
DOES 1 through 20, inclusive,

Defendants.

Case No. 2:23-cv-03005-SSS-KK

**STIPULATION**

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2       **WHEREAS**, on January 17, 2023, Plaintiffs Marcelo Muto and Noah  
3 Breeze (the “*Muto* Plaintiffs”) filed a Second Amended Class Action Complaint  
4 (the “*Muto* SAC”) against Fenix International Limited (“FIL”) and Fenix Internet  
5 LLC (“Fenix Internet”) in *Muto, et al. v. Fenix International Limited, et al.*, Case  
6 No. 5:22-cv-02164-SSS-KK (“*Muto*”);

7       **WHEREAS**, on March 10, 2023, Defendants FIL and Fenix Internet filed  
8 a Motion to Dismiss the *Muto* SAC, which has been fully briefed by the parties  
9 and is currently scheduled for a hearing on June 9, 2023;

10       **WHEREAS**, on April 12, 2023, Plaintiffs John Doe 1 and John Doe 2 (the  
11 “*Doe* Plaintiffs”) filed their First Amended Class Action Complaint (the “*Doe*  
12 FAC”) against FIL and Fenix Internet in Los Angeles County Superior Court,  
13 and that case was removed to this District on April 20, 2023, *Doe, et al. v. Fenix*  
14 *Internet LLC, et al.*, Case No. 2:23-cv-03005-SSS-KK (“*Doe*”);

15       **WHEREAS**, on April 26, 2023, the parties in the *Doe* action stipulated  
16 that FIL and Fenix Internet had up to and including May 30, 2023, to file an  
17 answer or otherwise respond to the *Doe* FAC;

18       **WHEREAS**, on April 20, 2023, in the *Muto* action, FIL and Fenix  
19 Internet filed a Notice of Related Case with regard to the *Doe* matter;

20       **WHEREAS**, on April 25, 2023, in the *Doe* action, Plaintiffs filed a Notice  
21 of Related Case with regard to the *Muto* matter;

22       **WHEREAS**, on April 26, 2023, this Court consented to the transfer of the  
23 *Doe* action as related to the *Muto* action pursuant to General Order 21-01  
24 (Related Cases);

25       **WHEREAS**, in their respective actions, both the *Muto* Plaintiffs and the  
26 *Doe* Plaintiffs assert claims—individually, and on behalf of a putative class of  
27 similarly situated Californians—against FIL and Fenix Internet relating to  
28 subscription practices on OnlyFans.com, the content sharing, social media

1 website owned and operated by FIL, alleging *inter alia* that OnlyFans' automatic  
2 subscription renewal was not adequately disclosed to them in violation of various  
3 California state laws, and that as a result they lost funds due to unwanted  
4 subscription charges;

5 **WHEREAS**, counsel for the parties have conferred, and the parties in both  
6 cases are in agreement that the *Muto* and *Doe* actions should be consolidated for  
7 all purposes because the cases involve similar complaints and common questions  
8 of fact and law, and because consolidation would advance the interest of judicial  
9 economy; and

10 **WHEREAS**, in conjunction with the consolidation of the two actions, the  
11 parties agree that the June 9, 2023, hearing on Defendants' Motion to Dismiss in  
12 the *Muto* action and the May 30, 2023, deadline for Defendants to answer or  
13 otherwise respond to the *Doe* FAC in the *Doe* action should be vacated; and

14 **WHEREAS**, in conjunction with the consolidation of the two actions, the  
15 parties respectfully propose the Briefing Schedule below.

16 **IT IS HEREBY STIPULATED AND AGREED**, by and between the  
17 undersigned counsel for the *Muto* Plaintiffs, the *Doe* Plaintiffs, and Defendants  
18 FIL and Fenix Internet, that:

19 1. Subject to approval of the Court, the above-captioned actions shall  
20 be consolidated in the United States District Court for the Central District of  
21 California;

22 2. Subject to approval of the Court, the consolidated case shall  
23 continue under the *Muto* caption and file number: *Muto, et al. v. Fenix*  
24 *International Limited, et al.*, Case No. 5:22-cv-02164-SSS-KK. All future filings  
25 in the consolidated proceedings shall be made under that file number;

26 3. Subject to approval of the Court, the June 9, 2023, hearing on  
27 Defendants' Motion to Dismiss in the *Muto* action and the May 30, 2023,  
28 deadline for Defendants to answer or otherwise respond to the FAC in the *Doe*

1 action shall be vacated;

2 4. Within 21 days of the entry of an order consolidating the above-  
3 captioned actions, Plaintiffs in *Muto* and *Doe* will file a consolidated complaint  
4 (the “Consolidated Complaint”);

5 5. Within 21 days after the Consolidated Complaint is filed,  
6 Defendants will file an answer or otherwise respond to the Consolidated  
7 Complaint;

8 6. Within 21 days after Defendants respond to the Consolidated  
9 Complaint, Plaintiffs will file their Opposition; and

10 7. Within 14 days after Plaintiffs file an opposition, Defendants will  
11 file their Reply.

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13 **IT IS SO STIPULATED.**  
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1 Dated: May 9, 2023

**ORRICK, HERRINGTON & SUTCLIFFE  
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