

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN BARON and JOEL MILLET,

Plaintiffs,

v.

iFIT HEALTH AND FITNESS, INC.,

Defendant.

CIVIL ACTION

NO. 22-1304

**JOINT STIPULATION AND ORDER CONTINUING STAY OF CASE FOR AN
ADDITIONAL 60 DAYS**

It is hereby stipulated and agreed by and between the undersigned attorneys for Plaintiffs John Baron and Joel Millet (“Plaintiffs”) and the undersigned attorneys for Defendant iFit Health and Fitness, Inc. (“Defendant” and together with Plaintiffs, the “Parties”), subject to the approval of the Court, that this case be stayed an additional 60 days. The Parties, by and through their counsel of record, hereby stipulate as follows.

1. The Parties jointly seek a continuation of the stay pursuant to this Court’s inherent power, to preserve the Court’s and the Parties’ resources, including attorneys’ fees and costs.
2. The Parties agree that this Court’s “power to stay proceedings is incidental to its inherent power to control the disposition of cases on its docket.” Hartford Fire Ins. Co. v. Encore Mktg. Int’l, Inc., No. CIV. 10-620-SLR, 2011 WL 766587, at *3 (D. Del. Feb. 24, 2011).
3. Plaintiffs filed a class action Complaint on October 4, 2022. D.I. 1.
4. Defendant filed a Motion to Dismiss the complaint on December 22, 2022. D.I. 19.
5. Plaintiffs filed their Brief in Opposition to the Motion to Dismiss on February 3, 2023. D.I. 29.
6. On February 13, 2023, the Court entered an order scheduling the hearing on

Defendant's Motion to Dismiss on March 3, 2023, at 10:00am. D.I. 30.

7. On February 17, 2023, Defendant filed its Reply in support of its Motion to Dismiss. D.I. 31. Thus, the Parties' briefing on Defendant's Motion to Dismiss is complete.

8. On February 27, 2023, the Court granted the Parties' stipulation requesting that the hearing on the Motion to Dismiss be continued and the case stayed for 120 days, until June 27, 2023, so that the Parties could pursue settlement discussions. D.I. 33.

9. Throughout the Spring of 2023, the Parties exchanged informal discovery to prepare for a mediation.

10. On June 20, 2023, the Parties mediated both this action and the action styled Balfour v. iFIT Health and Fitness, Inc., No. 23-cv-00067 (D. Del.), a class action pending before the Honorable Colm F. Connolly. Discussions remain ongoing.

11. On June 27, 2023, the Court granted the Parties' stipulation that the stay of the case be continued for an additional 60 days, until August 26, 2023. (D.I. 35.)

12. To enable further settlement discussions, on August 21, 2023, the Parties requested another 60 day stay of the case (D.I. 36) which the Court also granted on August 22, 2023 (D.I. 37).

13. To further enable further settlement discussions, on October 24, 2023, the Parties requested another 60 day stay of the case (D.I. 38), which the Court also granted (D.I. 39).

14. To further enable further settlement discussions, on December 22, 2023, the Parties requested another 60 day stay of the case (D.I. 43), which the Court also granted (D.I. 44).

15. The most recent stay of the case is set to expire on February 26, 2024.

16. The parties assert that additional time is needed to allow the Parties to continue to explore resolution of this case, as well as reaching an anticipated class wide settlement in Balfour.

17. The Parties agree that by entering this stipulated motion to stay, Defendant is not waiving any rights, claims, demands, or defenses, including its requests for relief as stated in the Motion to Dismiss.

18. The Parties therefore hereby stipulate that the additional 60-day stay of the case entered by the Court on December 27, 2023 be extended for an additional 60 days, until April 26, 2024.

19. In the event that this case is not resolved during the period of the additional stay, the Parties will contact the Court following the conclusion of the stay to request a new hearing date for Defendant's Motion to Dismiss.

DATED: February 26, 2024

Respectfully submitted,

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IT IS SO ORDERED this 1st day of March, 2024.

BY THE COURT:

/s/ Joel H. Slomsky

JOEL H. SLOMSKY, J.