

1 Simon Franzini (Cal. Bar No. 287631)
simon@dovel.com
2 Grace Bennett (Cal. Bar No. 345948)
grace@dovel.com
3 DOVEL & LUNER, LLP
4 201 Santa Monica Blvd., Suite 600
Santa Monica, California 90401
5 Telephone: (310) 656-7066
6 Facsimile: (310) 656-7069

7 *Attorneys for Plaintiff*

8
9 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA

10
11 ALEXANDRIA LEE, individually
and on behalf of all others similarly
12 situated,

13 *Plaintiff,*

14 v.

15 RUGSUSA, LLC,

16
17 *Defendant.*
18
19
20
21
22
23
24
25
26
27
28

Case No. 3:23-cv-02412-JSC

JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND ASSOCIATED
DEADLINES

Hon. Jacqueline S. Corley

1 In accordance with Civil L.R. 6-1(b) and 6-2, Plaintiff Alexandria Lee (“Plaintiff”) and
2 Defendant RugsUSA, LLC (“Defendant,” and together with Plaintiff, the “Parties”), by and through
3 their respective undersigned counsel of record, hereby stipulate as follows:

4 WHEREAS, on May 17, 2023, Plaintiff filed a Complaint in the above-referenced action
5 against Defendant (Dkt. 1);

6 WHEREAS, Defendant’s original deadline to file and serve a response to Plaintiff’s
7 Complaint was Tuesday, June 13, 2023;

8 WHEREAS, on June 12, 2023, the Parties filed a Joint Stipulation to Extend Time for
9 Defendant to Respond to Plaintiff’s Complaint (the “Joint Stipulation to Extend”) wherein the Parties
10 agreed to extend Defendant’s deadline to file and serve a response to Plaintiff’s Complaint to July
11 13, 2023 (Dkt. 10);

12 WHEREAS, on June 15, 2023, the Magistrate Judge Lisa Cisneros granted the Parties’ Joint
13 Stipulation to Extend which extended Defendant’s deadline to file and serve a response to Plaintiff’s
14 Complaint July 13, 2023 (Dkt. 12);

15 WHEREAS, on June 27, 2023, the action case was reassigned to this Court;

16 WHEREAS, on July 13, 2023, the Parties filed a Joint Stipulation to Further Extend Time for
17 Defendant to Respond to Plaintiff’s Complaint (the “Joint Stipulation to Further Extend”) wherein
18 the Parties agreed to further extend Defendant’s deadline to file and serve a response to Plaintiff’s
19 Complaint to August 3, 2023 (Dkt. 18);

20 WHEREAS, on July 14, 2023, the Court signed the Joint Stipulation to Further Extend, which
21 further extended Defendant’s deadline to file and serve a response to Plaintiff’s Complaint to August
22 3, 2023 (Dkt. 19);

23 WHEREAS, On August 3, 2023, the Parties filed a Joint Stipulation to Further Extend Time
24 for Defendant to Respond to Plaintiff’s Complaint and to Continue Case Management Conference
25 and All Associated Dates and Deadlines (the “Joint Stipulation to Continue CMC”) wherein the
26 Parties agreed to (i) further extend Defendant’s deadline to file and serve a response to Plaintiff’s
27 Complaint to August 24, 2023, (ii) continue the Case Management Conference to September 7, 2023
28

1 at 1:30 p.m., and (iii) extend the deadline for the Parties to file a case management statement to
2 August 31, 2023 (Dkt. 22);

3 WHEREAS, on August 4, 2023, the Court signed the Joint Stipulation to Continue CMC,
4 which (i) further extended Defendant's deadline to file and serve a response to Plaintiff's Complaint
5 to August 24, 2023, (ii) continued the Case Management Conference to September 7, 2023 at 1:30
6 p.m., and (iii) extended the deadline for the Parties to file a case management statement to August
7 31, 2023 (Dkt. 23);

8 WHEREAS, on August 24, 2023, the Parties filed a Joint Stipulation to Further Continue
9 Case Management Conference and All Associated Dates and Deadlines (the "Joint Stipulation to
10 Further Continue CMC") wherein the Parties agreed to (i) further extend Defendant's deadline to file
11 and serve a response to Plaintiff's Complaint to September 7, 2023, (ii) continue the Case
12 Management Conference to September 21, 2023 at 1:30 p.m., and (iii) extend the deadline for the
13 Parties to file a case management statement to September 14, 2023 (Dkt. 25);

14 WHEREAS, on August 25, 2023, the Court signed the Joint Stipulation to Continue CMC,
15 which (i) further extended Defendant's deadline to file and serve a response to Plaintiff's Complaint
16 to September 7, 2023, (ii) continued the Case Management Conference to September 21, 2023 at
17 1:30 p.m., and (iii) extended the deadline for the Parties to file a case management statement to
18 September 14, 2023 (Dkt. 26);

19 WHEREAS, on September 7, 2023, the Parties filed a Joint Stipulation to Stay All Case
20 Deadlines (the "Joint Stipulation to Stay") wherein the Parties agreed to stay all case deadlines and
21 hearings, pending the Parties' participation in a private mediation before the Honorable Louis M.
22 Meisinger on November 10, 2023;

23 WHEREAS, on September 8, 2023, the Court signed the Joint Stipulation to Stay, which (i)
24 stayed all case deadlines, (ii) continued the Case Management Conference to March 14, 2024 at 1:30
25 p.m., and (iii) extended the deadline for the Parties to file a case management statement to March 7,
26 2024 (Dkt. 28);

27 WHEREAS, on September 25, 2023, the Court issued the Clerk's Notice Advancing the Case
28 Management Conference, which advanced the Case Management Conference from March 14, 2024,

1 to January 11, 2024, at 1:30 p.m., and ordered the Parties to file a case management statement by
2 January 4, 2024;

3 WHEREAS, on November 10, 2023, the Parties attended the mediation before the Honorable
4 Louis M. Meisinger, and reached a settlement in principle;

5 WHEREAS, the Parties are in the process of negotiating a long form settlement agreement,
6 which includes updating class specific data requiring the involvement of several individuals, and,
7 including in view of the upcoming holidays, require additional time to do so;

8 WHEREAS, in order to conserve resources while early resolution discussions are ongoing,
9 the Parties believe that a further continuation of the Case Management Conference and associated
10 deadlines is warranted;

11 WHEREAS, the Parties wish to continue the Case Management Conference from January 11,
12 2024, to February 15, 2024 at 1:30 p.m., or a date otherwise convenient for the Court;

13 WHEREAS, this is the Parties' second request to continue the Case Management Conference,
14 and no party would be prejudiced by the proposed continuance and extension;

15 WHEREAS, this stipulation and request would only change the timing for the Case
16 Management Conference in this case and the filing of the related Rule 26(f) report, initial disclosures
17 and the filing of a case management statement, and no other scheduled event in this case;

18 THEREFORE, IT IS STIPULATED and agreed, subject to the Court's approval, as follows:

- 19 1. The Case Management Conference scheduled for January 11, 2024, be continued to
20 February 15, 2024 at 1:30 p.m., or to such later date that is convenient for the Court;
- 21 2. No later than seven days before the Initial Case Management Conference, the Parties
22 shall file a Rule 26(f) Report, complete initial disclosures, or state any objections in
23 Rule 26(f) Report, and file a case management statement;
- 24 3. No later than twenty-one days before the Case Management Conference, the Parties
25 shall meet and confer regarding initial disclosures, early settlement, ADR process
26 selection, and a discovery plan.

1 Date: December 21, 2023

Respectfully submitted,

2 By: /s/ Simon Franzini

3 Simon Franzini (Cal. Bar No. 287631)

simon@dovel.com

4 Grace Bennett (Cal. Bar No. 345948)

grace@dovel.com

5 DOVEL & LUNER, LLP

6 201 Santa Monica Blvd., Suite 600

Santa Monica, California 90401

7 Telephone: (310) 656-7066

8 Facsimile: (310) 656-7069

9 *Attorneys for Plaintiff*

10 Date: December 21, 2023

By: /s/ Thomas McCormick

11 VORYS, SATER, SEYMOUR AND PEASE LLP

12 Thomas N. McCormick (SBN 325537)

13 tnmccormick@vorys.com

14 Shane T. Micheil (SBN 312460)

stmicheil@vorys.com

15 4675 MacArthur Court, Suite 700

Newport Beach, CA 92660

16 Telephone: (949) 526-7903

17 *Attorneys for Defendant*

18 RugsUSA, LLC

19 **ATTESTATION OF COMPLIANCE**

20 In compliance with Civil Local Rule 5-1(i)(3), I attest that all other counsel on whose behalf
21 this filing is jointly submitted have approved of and concurred in this filing.


22
23 /s/ Simon Franzini

24 Simon Franzini

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 21, 2023


HONORABLE JACQUELINE S. CORLEY
UNITED STATES DISTRICT COURT