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9 Attorneys for Defendant Clicktale, Inc.

10 *[Additional counsel on signature page]*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AMBER YALE, individually and on behalf of  
all others similarly situated,  
  
Plaintiff,  
  
v.  
  
CLICKTALE, INC.,  
  
Defendant.

Civil Case No.: 3:20-cv-07575-LB

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER TO SET DEADLINES FOR BRIEFING  
ON DEFENDANT’S MOTION TO DISMISS  
THE SECOND AMENDED COMPLAINT AND  
TO CONTINUE INITIAL CASE  
MANAGEMENT CONFERENCE**

1 Pursuant to Civil L.R. 6-1(b), 6-2, and 7-12, Defendant Clicktale, Inc. along with Plaintiff  
2 Amber Yale, (collectively the “Parties”), respectfully submit this joint stipulation to enlarge the  
3 period for Defendant to move to dismiss the Second Amended Complaint and to continue the Initial  
4 Case Management Conference (“CMC”):

5 WHEREAS, on October 28, 2020, Plaintiff filed her Complaint against Gap, Inc. and  
6 Clicktale (*see* Dkt. No. 1);

7 WHEREAS, on October 29, 2020, the Court issued an order setting an initial CMC for  
8 January 28, 2021, along with related deadlines (*see* Dkt. No. 5);

9 WHEREAS, on November 17, 2020, the Parties stipulated to set deadlines for briefing  
10 Defendants’ motion to dismiss the Complaint and to continue the initial case management  
11 conference (*see* Dkt. No. 11);

12 WHEREAS, on November 18, 2020, the Court issued an order setting an initial CMC for  
13 March 18, 2021, along with related deadlines (*see* Dkt. No. 17);

14 WHEREAS, on December 16, 2020, the Parties stipulated to set deadlines for briefing  
15 Defendants’ motion to dismiss the Complaint and to continue the initial case management  
16 conference (*see* Dkt. No. 18);

17 WHEREAS, on December 17, 2020, the Court issued an order setting an initial CMC for  
18 April 1, 2021, along with related deadlines (*see* Dkt. No. 19);

19 WHEREAS, on January 8, 2021, Defendants moved to compel arbitration and to stay the  
20 proceedings, or, alternatively, dismiss Plaintiff’s Complaint (*see* Dkt. No. 20);

21 WHEREAS, on January 22, 2021, Plaintiff filed her First Amended Complaint and  
22 voluntarily dismissed her complaint against The Gap, Inc., without prejudice, pursuant to Fed. R.  
23 Civ. P. 41(a)(1)(A)(i) (*see* Dkt. Nos. 23, 24);

24 WHEREAS, on January 28, 2021, the Parties stipulated to set deadlines for briefing  
25 Defendant’s motion to dismiss the First Amended Complaint and to continue the initial case  
26 management conference (*see* Dkt. No. 26);

27 WHEREAS, on January 28, 2021, the Court issued an order setting an initial CMC for July  
28 22, 2021, along with related deadlines (*see* Dkt. No. 27)

1 WHEREAS, on February 19, 2021, Defendant moved to dismiss Plaintiff's First Amended  
2 Complaint (*see* Dkt. No. 28)

3 WHEREAS, on April 15, 2021, this Court dismissed Plaintiff's First Amended Complaint  
4 with leave to amend (*see* Dkt. No. 31);

5 WHEREAS, on May 6, 2021, Plaintiff filed her Second Amended Complaint (*see* Dkt. No.  
6 32);

7 WHEREAS, pursuant to Federal Rule of Civil Procedure 15, absent an extension,  
8 Defendant's response to the Second Amended Complaint would be due by May 20, 2021;

9 WHEREAS, Defendant Clicktale intends to move to dismiss the Second Amended  
10 Complaint, but the Parties agree that they would benefit from additional time to file and fully brief  
11 Defendant's motion to dismiss;

12 WHEREAS, continuing the initial CMC to at least August 26, 2021 will promote efficiency  
13 and conserve judicial and party resources by providing necessary time for the Parties to complete  
14 briefing on, and for the Court to consider, Defendant's motion to dismiss at the same time as the  
15 CMC, and for the Parties to defer initial discovery that might be affected;

16 WHEREAS, this stipulation is made without prejudice to any party requesting a further  
17 continuance of the initial CMC for good cause shown;

18 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE** as follows:

19 1. Defendant's time to move to dismiss or otherwise respond to the Complaint shall be  
20 extended to **June 17, 2021**.

21 2. Plaintiff shall file her opposition to Defendant's motion to dismiss the Complaint by  
22 **July 22, 2021**.

23 3. Defendant shall file its reply in support of its motion to dismiss the Complaint by  
24 **August 12, 2021**.

25 4. The initial Case Management Conference shall be continued to **August 26, 2021** at  
26 9:30 a.m., or as soon thereafter as convenient for the Court.

27 5. The Parties' Rule 26(f) Report and Case Management Statement pursuant to Federal  
28 Rule of Civil Procedure 26(f) and Civil Local Rule 16-9 shall be filed seven days before the initial

1 Case Management Conference.

2 6. The Parties shall serve their initial disclosures within seven days after the initial  
3 CMC.

4 7. The Parties shall meet and confer pursuant to Federal Rule of Civil Procedure 26(f)  
5 and Alternative Dispute Resolution Local Rule 3-5 by a date to be determined by the Parties but no  
6 later than twenty-one days before the initial Case Management Conference.

7 8. The Parties shall file the ADR Certification pursuant to Civil Local Rule 16-8(b)  
8 and Alternative Dispute Resolution Local Rule 3-5(b) no later than twenty-one days before the  
9 initial Case Management Conference.

10 DATED: May 14, 2021

COOLEY LLP

11 By: /s/ Aarti Reddy

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DATED: May 14, 2021

BURSOR & FISHER, P.A.

By: /s/ Joel Smith

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*Attorneys for Plaintiff Amber Yale*

**ATTESTATION PURSUANT TO CIV. L.R. 5-1(i)(3)**

Pursuant to Civ. L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: May 14, 2021

/s/ Aarti Reddy  
Aarti Reddy

1           **PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, THE COURT**  
2 **ORDERS AS FOLLOWS:**

3           1. Defendant's time to move to dismiss or otherwise respond to the First Amended  
4 Complaint shall be extended to **June 17, 2021**.

5           2. Plaintiff shall file her opposition to Defendant's motion to dismiss the First  
6 Amended Complaint by **July 22, 2021**.

7           3. Defendant shall file its reply in support of its motion to dismiss the First Amended  
8 Complaint by **August 12, 2021**.

9           4. The initial Case Management Conference shall be continued to **August 26, 2021** at  
10 **9:30 a.m.**, or as soon thereafter as convenient for the Court.

11           5. The Parties' Rule 26(f) Report and Case Management Statement pursuant to Federal  
12 Rule of Civil Procedure 26(f) and Civil Local Rule 16-9 shall be filed by seven days before the  
13 initial Case Management Conference.

14           6. The Parties shall serve their initial disclosures by seven days after the initial Case  
15 Management Conference.

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18 later than twenty-one days before the initial Case Management Conference.

19           8. The Parties shall file the ADR Certification pursuant to Civil Local Rule 16-8(b)  
20 and Alternative Dispute Resolution Local Rule 3-5(b) by no later than twenty-one days before the  
21 initial Case Management Conference.

22  
23 Dated:           May 17, 2021          



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The Honorable Laurel Beeler  
United States Magistrate Judge

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