

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STEVEN FLOYD, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

AMAZON.COM, INC. and APPLE INC.,

Defendants.

Case No. 2:22-cv-01599-KKE

**STIPULATED MOTION AND ORDER
SUSPENDING DEADLINE FOR
SUBSTANTIAL COMPLETION OF
DOCUMENT AND DATA PRODUCTION**

Plaintiff Steven Floyd and Defendants Amazon.com, Inc. and Apple Inc. (together, “Defendants,” and collectively, the “Parties”), by and through their counsel, stipulate as follows:

1. The Parties respectfully submit that good cause justifies a temporary suspension of the deadline for substantial completion of document and data productions, and the subsequent deadlines in the Court’s class action scheduling order (Dkt. 68), because a motion to amend the complaint and multiple discovery disputes are pending and will not be resolved before the substantial completion deadline.

2. Plaintiff filed a Motion to Amend the First Amended Complaint and to Intervene (Dkt. 80) on February 29, 2024. The motion seeks the Court’s permission to add two named plaintiffs, Jonathan Ryan and Jolene Furdek, to the litigation. Defendants oppose the Motion (Dkt. 86).

1 3. The parties have met and conferred about the scope of discovery requests for many
2 months, and they were able to reach agreements about many disputes without Court intervention.
3 However, several disputes remain, and the Parties have asked the Court to resolve them. Plaintiff
4 filed a joint statement concerning disputes related to Plaintiff's discovery requests on March 22,
5 2024 (Dkt. 89). Defendants filed a joint statement concerning disputes related to Defendants'
6 discovery requests on March 26, 2024 (Dkt. 90).

7 4. The Court has indicated that it is available to hear argument on Plaintiff's Motion
8 to Amend and all Parties' discovery disputes on April 30, 2024.

9 5. The current deadline for substantial completion of the production of documents and
10 data is April 3, 2024.

11 6. Given the pending motion to amend and discovery dispute statements, the Parties
12 agree that the substantial completion deadline and subsequent deadlines should be temporarily
13 suspended so the Court can resolve these disputes.

14 7. The parties respectfully request that the Court suspend the deadlines in the class
15 action scheduling order (Dkt. 68) pending its decision on Plaintiff's Motion to Amend and the
16 Parties' discovery disputes, and that the Parties propose a revised schedule to the Court within 10
17 days of the Court's ruling on Plaintiff's Motion to Amend and/or the Parties' discovery disputes,
18 whichever is later.

1 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the Parties,
2 through their undersigned counsel of record, and the Parties ask the Court to order, that:

3 1. The deadlines in the class action scheduling order (Dkt. 68) are temporarily
4 suspended pending the Court's rulings on Plaintiff's Motion to Amend (Dkt. 80) and the Parties'
5 discovery disputes (Dkts. 89 & 90).

6 2. The Parties are to jointly propose a new scheduling order (or if agreement is not
7 reached, separate proposals accompanied by no more than 5 pages of briefing per side) within 10
8 days of the Court's ruling on Plaintiff's Motion to Amend and Intervene (Dkt. 80) and/or the
9 Parties' discovery disputes (Dkts. 89 & 90), whichever is later.

10 IT IS SO STIPULATED.

11 DATED: April 2, 2024

HAGENS BERMAN SOBOL SHAPIRO LLP

12
13 By: /s/ Steve W. Berman

Steve W. Berman, WSBA #12536

14 /s/ Barbara A. Mahoney

Barbara A. Mahoney, WSBA #31845

15 1301 Second Avenue, Suite 2000

Seattle, WA 98101

16 Ph: (206) 623-7292; Fax: (206) 623-0594

17 Email: steve@hbsslw.com

Email: barbaram@hbsslw.com

18 Ben M. Harrington (*pro hac vice*)

19 Benjamin J. Siegel (*pro hac vice*)

20 715 Hearst Avenue, Suite 300

Berkeley, CA 94710

21 Telephone: (510) 725-3000

22 Facsimile: (510) 725-3001

benh@hbsslw.com

bens@hbsslw.com

23
24 *Attorneys for Plaintiff and the Proposed Class*

1 ORRICK, HERRINGTON & SUTCLIFFE LLP

2 By: /s/ Mark S. Parris
3 Mark S. Parris (WSBA No. 18370)
4 mparris@orrick.com
5 401 Union Street, Suite 3300
6 Seattle, WA 98101
7 Telephone: +1 206 839 4300
8 Facsimile: +1 206 839 4301

9 WEIL GOTSHAL & MANGES, LLP

10 By: /s/ Mark A. Perry
11 Mark A. Perry (*Pro Hac Vice*)
12 2001 M. Street NW, Suite 600
13 Washington, DC 20036
14 Telephone: +1 202 682 7000
15 mark.perry@weil.com

16 By: /s/ Eric S. Hochstadt
17 Eric S. Hochstadt (*Pro Hac Vice*)
18 767 Fifth Ave.
19 New York, NY 10153-0119
20 Telephone: 212 310 8000
21 eric.hochstadt@weil.com

22 By: /s/ Brian G. Liegel
23 Brian G. Liegel (*Pro Hac Vice*)
24 brian.liegel@weil.com
25 1395 Brickell Avenue, Suite 1200
26 Miami, FL 33131
27 Telephone: +1 305 577 3180

Attorneys for APPLE INC.

By: /s/ John Goldmark
John Goldmark, WSBA #40980
MaryAnn Almeida, WSBA #49086
DAVIS WRIGHT TREMAINE, LLP
920 Fifth Avenue, Suite 3300
Seattle, Washington, 98104
Phone: (206) 622-3150
Fax: (206) 757-7700
Email: johngoldmark@dwt.com
maryannalmeida@dwt.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Chad S. Hummel (*pro hac vice*)
SIDLEY AUSTIN LLP
1999 Avenue of the Stars, 17th Floor
Los Angeles, CA 90067
Phone: (310) 595-9500
Fax: (310) 595-9501
Email: chummel@sidley.com

Jonathan E. Nuechterlein (*pro hac vice*)
Benjamin M. Mundel (*pro hac vice*)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, D.C. 20005
Phone: (202) 736-8000
Fax: (202) 736-8711
Email: jnuechterlein@sidley.com
bmundel@sidley.com

Attorneys for AMAZON.COM, INC.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.