

1 EMILY JOHNSON HENN (SBN 269482)
ehenn@cov.com
2 COVINGTON & BURLING LLP
3000 El Camino Real
3 5 Palo Alto Square, 10th Floor
Palo Alto, CA 94306-2112
4 Telephone: + 1 (650) 632-4700
Facsimile: + 1 (650) 632-4800
5

SIMON J. FRANKEL (SBN 171552)
sfrankel@cov.com
6 MATTHEW Q. VERDIN (SBN 306713)
mverdin@cov.com
7 JENNA L. ZHANG (SBN 336105)
jzhang@cov.com
8 COVINGTON & BURLING LLP
9 Salesforce Tower
415 Mission Street, Suite 5400
10 San Francisco, CA 94105-2533
Telephone: + 1 (415) 591-6000
11 Facsimile: + 1 (415) 591-6091

12 *Attorneys for Defendants Nike, Inc. and FullStory, Inc.*

13 [Additional counsel listed on signature page]

14 UNITED STATES DISTRICT COURT
15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
16

17
18 BURHAAN SALEH, individually and
on behalf of all others similarly situated,

19
20 Plaintiff,

21 v.

22 NIKE, INC., and FULLSTORY, INC.,
23

24 Defendants.
25
26
27
28

Civil Case No.: 2:20-cv-09581-FLA-RAO

**JOINT STIPULATION TO STAY
DISCOVERY PENDING
RESOLUTION OF DEFENDANTS'
MOTION TO DISMISS**

1 Pursuant to Civil L.R. 7-1, Defendants FullStory, Inc. and Nike, Inc., and Plaintiff
2 Burhaan Saleh (collectively the “parties”), respectfully submit this joint stipulation to
3 stay discovery pending the resolution of defendants’ motion to dismiss plaintiff’s first
4 amended complaint (Dkt. 30).

5 WHEREAS, defendants filed a motion to dismiss plaintiff’s first amended
6 complaint on January 22, 2021 (Dkt. 30), which has been fully briefed (*see* Dkts. 30–32)
7 and remains pending before the Court;

8 WHEREAS, plaintiff served defendants with plaintiff’s first set of requests for
9 production and interrogatories, which was deemed served on April 2, 2021 (*see* Dkt. 40
10 at 6), and plaintiff served defendants with plaintiff’s second set of interrogatories on
11 August 2, 2021;

12 WHEREAS, defendants moved to stay all discovery pending resolution of their
13 motion to dismiss on May 6, 2021 (Dkt. 48), which has been fully briefed (*see* Dkts. 48–
14 49, 51) and remains pending before the Court;

15 WHEREAS, defendants served objections and responses to plaintiff’s first set of
16 requests for production on May 3, 2021, and defendants have agreed to complete their
17 production of documents responsive to plaintiff’s requests (except as to RFP Nos. 6, 8,
18 10–12, and 15 served on FullStory and RFP Nos. 6 and 8 served on Nike) by September
19 10, 2021;

20 WHEREAS, defendants served objections and responses to plaintiff’s first set of
21 interrogatories on May 3, 2021; FullStory served supplemental objections and responses
22 to plaintiff’s first set of interrogatories on June 11, 2021; Nike served supplemental
23 objections and responses to plaintiff’s first set of interrogatories on June 11 and June 24,
24 2021; and defendants will, pursuant to the parties’ agreement, serve objections and
25 responses to plaintiff’s second set of interrogatories by September 10, 2021;

26
27
28

1 WHEREAS, the parties agree that a stay of all further discovery pending resolution
2 of defendants' motion to dismiss plaintiff's first amended complaint will promote
3 efficiency and conserve judicial and party resources.

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

5 1. Defendants shall, by September 10, 2021, (1) complete their production of
6 documents responsive to plaintiff's first set of requests for production (except as to RFP
7 Nos. 6, 8, 10–12, and 15 served on FullStory and RFP Nos. 6 and 8 served on Nike), and
8 (2) serve objections and responses to plaintiff's second set of interrogatories.

9 2. All further discovery shall be stayed pending resolution of defendants'
10 motion to dismiss plaintiff's first amended complaint (Dkt. 30).

11 3. Subject to the Court's entry of an order staying all further discovery
12 pursuant to this stipulation, defendants shall file a notice withdrawing their motion to stay
13 discovery pending resolution of their motion to dismiss (Dkt. 48).

1 DATED: September 7, 2021

COVINGTON & BURLING LLP

2 By: /s/ Jenna L. Zhang

3 EMILY JOHNSON HENN (SBN 269482)
4 ehenn@cov.com
5 COVINGTON & BURLING LLP
6 3000 El Camino Real
7 5 Palo Alto Square, 10th Floor
8 Palo Alto, CA 94306-2112
9 Telephone: + 1 (650) 632-4700
10 Facsimile: + 1 (650) 632-4800

11 SIMON J. FRANKEL (SBN 171552)
12 sfrankel@cov.com
13 MATTHEW Q. VERDIN (SBN 306713)
14 mverdin@cov.com
15 JENNA L. ZHANG (SBN 336105)
16 jzhang@cov.com
17 COVINGTON & BURLING LLP
18 Salesforce Tower
19 415 Mission Street, Suite 5400
20 San Francisco, CA 94105-2533
21 Telephone: + 1 (415) 591-6000
22 Facsimile: + 1 (415) 591-6091

23 *Attorneys for Defendants*
24 *Nike, Inc. and FullStory, Inc.*

25 DATED: September 7, 2021

BURSOR & FISHER, P.A.

26 By: /s/ Joel D. Smith

27 L. Timothy Fisher (SBN 191626)
28 Joel D. Smith (SBN 244902)
1990 North California Boulevard,
Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
E-Mail: ltfisher@bursor.com
jsmith@bursor.com

Attorneys for Plaintiff
Burhaan Saleh

ATTESTATION

I, Jenna L. Zhang, hereby attest, pursuant to C.D. Cal. Civil L.R. 5-4.1.2, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: September 7, 2021

By: /s/ Jenna L. Zhang