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23 **UNITED STATES DISTRICT COURT**
24 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

25 BURHAAN SALEH, individually and
26 on behalf of all others similarly situated,

27 Plaintiff,

28 v.

NIKE, INC., and FULLSTORY, INC.,

Defendants.

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

**DEFENDANT NIKE, INC.’S NOTICE
OF MOTION AND MOTION TO STAY
OR, ALTERNATIVELY, TO CERTIFY
ORDER FOR INTERLOCUTORY
APPEAL AND STAY**

Hearing Date: November 19, 2021
Hearing Time: 1:30 p.m.
Honorable Fernando L. Aenlle-Rocha

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that on November 19, 2021 at 1:30 p.m., or as soon thereafter as the matter may be heard before the Honorable Fernando L. Aenlle-Rocha in Courtroom 6B of the United States District Court for the Central District of California, located at 350 W. 1st Street, 6th Floor, Los Angeles, CA 90012, Defendant Nike, Inc. (“Nike”), will and hereby does move for an order staying this action pending the Ninth Circuit’s decision in *Johnson v. Blue Nile, Inc.*, No. 21-16378, or, alternatively, to certify the Court’s September 27, 2021 Order (Dkt. 71) for interlocutory appeal under 28 U.S.C. § 1292(b) and to stay this action pending that appeal.

The Motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities, the Declaration of Matthew Q. Verdin and accompanying exhibits, and such further evidence and argument as may be presented to the Court at or before the hearing on this matter.

The Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on October 8, 2021.

DATED: October 15, 2021

COVINGTON & BURLING LLP

By: /s/ Emily Johnson Henn

Emily Johnson Henn

Attorney for Defendant

Nike, Inc.

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