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7 IN THE UNITED STATE DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ROXANN BROWN and MICHELLE
11 SMITH, on their own behalf and on behalf
12 of others similarly situated,

13 Plaintiffs,

14 v.

15 OLD NAVY, LLC; OLD NAVY
16 (APPAREL), LLC; OLD NAVY
17 HOLDINGS, LLC; GPS SERVICES,
18 INC.; and THE GAP, INC., inclusive,

19 Defendants.

Case No. 2:23-cv-00781-JHC

**SECOND JOINT STIPULATION AND
ORDER REGARDING DEFENDANTS'
ANTICIPATED MOTION TO COMPEL
ARBITRATION**

NOTED FOR CONSIDERATION:
December 18, 2025

20 **STIPULATION**

21 The above-captioned parties (the "Parties") hereby submit this Second Joint Stipulation
22 regarding Defendants' anticipated motion to compel arbitration (the "Motion to Compel"):

23 WHEREAS, Defendants anticipate filing a Motion to Compel regarding the claims asserted
24 by the named Plaintiffs;

25 WHEREAS, the Parties dispute whether the Motion to Compel should be granted, on
26 various grounds, and Defendants have been producing records requested by Plaintiffs pertinent to
their forthcoming Motion to Compel, per the Parties' prior stipulation (Dkt. No. 50);

1 WHEREAS, Plaintiffs agreed that they would not argue that time expended by Defendants
2 producing such records constituted a waiver of Defendants' asserted right to arbitrate Plaintiffs'
3 claims;

4 WHEREAS, on December 15, 2025, Plaintiffs requested Defendants search for certain
5 additional records that they believe to be pertinent to Defendants' forthcoming Motion to Compel;

6 WHEREAS, Defendants have agreed to conduct searches for this additional information—
7 without guaranteeing the specific information sought exists or will be locatable, and without
8 waiving Defendants' right to argue that the information sought is not material to their asserted
9 arbitration rights;

10 WHEREAS, the Court previously set a December 21, 2025, deadline for Defendants to
11 move to compel arbitration, subject to the Parties agreeing on a different briefing schedule (Dkt.
12 No. 52);

13 WHEREAS, the Parties agree that additional time is warranted for Defendants to search
14 for and, to the extent available, produce such information to Plaintiffs before filing the Motion to
15 Compel;

16 THEREFORE, the Parties agree and stipulate to the following briefing schedule for
17 Defendants' forthcoming Motion to Compel and jointly move the Court to enter the following
18 schedule:

Filing	Deadline
Defendants' Motion to Compel Arbitration	January 16, 2026
Plaintiffs' Response to the Motion to Compel Arbitration	February 20, 2026
Defendants' Reply in Support of the Motion to Compel Arbitration	March 13, 2026

1 The Parties further stipulate, agree, and acknowledge that nothing in this Stipulation,
2 including the additional time Defendants deem necessary to search for and produce the additional
3 arbitration-related discovery requested by Plaintiffs, shall be argued as a basis for waiver of
4 Defendants' right to compel arbitration of this action. The Parties further stipulate that Plaintiffs
5 have not agreed to forego any arguments they may have that Defendants waived the right to compel
6 arbitration by their litigation conduct before August 6, 2025, and Defendants have not agreed to
7 forego any arguments they may have to the contrary.

8 DATED this 18th day of December, 2025.

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10 **TERRELL MARSHALL LAW GROUP PLLC MORGAN, LEWIS & BOCKIUS LLP**

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DATED this 18th day of December, 2025.

SECOND JOINT STIPULATION & ORDER REGARDING
DEFENDANTS' ANTICIPATED MOTION TO COMPEL
ARBITRATION - 4
(Case No. 2:23-cv-00781-JHC)