

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

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

Plaintiffs,

V.

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

## 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

## STIPULATION

The above-captioned parties (the “Parties”) hereby submit this Second Joint Stipulation regarding Defendants’ anticipated motion to compel arbitration (the “Motion to Compel”):

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

WHEREAS, the Parties dispute whether the Motion to Compel should be granted, on 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:

<b>Filing</b>	<b>Deadline</b>
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.

9  
10                    **TERRELL MARSHALL LAW GROUP PLLC    MORGAN, LEWIS & BOCKIUS LLP**

11                    By: /s/ Blythe H. Chandler  
12                    Beth E. Terrell, WSBA No. 26759  
13                    Jennifer Rust Murray, WSBA No. 36983  
14                    Blythe H. Chandler, WSBA No. 43387  
15                    936 North 34th Street, Suite 300  
16                    Seattle, WA 98103  
17                    Telephone: (206) 816-6603  
18                    [bterrell@terrellmarshall.com](mailto:bterrell@terrellmarshall.com)  
19                    [jmurray@terrellmarshall.com](mailto:jmurray@terrellmarshall.com)  
20                    [bchandler@terrellmarshall.com](mailto:bchandler@terrellmarshall.com)

21                    **BERGER & MONTAGUE, P.C.**

22                    Sophia M. Rios, Admitted *Pro Hac Vice*  
23                    8241 La Mesa Blvd, Suite A  
24                    La Mesa, CA 91942  
25                    Telephone: (619) 489-0300  
26                    [srios@bm.net](mailto:srios@bm.net)

27                    E. Michelle Drake, Admitted *Pro Hac Vice*  
28                    1229 Tyler Street NE, Suite 205  
29                    Minneapolis, MN 55413  
30                    Telephone: (612) 594-5933  
31                    [emdrake@bm.net](mailto:emdrake@bm.net)

32                    Mark DeSanto, Admitted *Pro Hac Vice*  
33                    1818 Market Street, Suite 3600  
34                    Philadelphia, PA 19103  
35                    Telephone: (215) 875-3046  
36                    [mdesanto@bm.net](mailto:mdesanto@bm.net)

37                    *Attorneys for Plaintiffs*

38                    By: /s/ Damon Elder  
39                    Damon Elder, WSBA No. 46754  
40                    Andrew DeCarlow, WSBA No. 54471  
41                    T. Ray Ivey, WSBA No. 55683  
42                    1301 Second Avenue, Suite 3000  
43                    Seattle, WA 98101  
44                    Phone: (206) 274-6400  
45                    Email: [damon.elder@morganlewis.com](mailto:damon.elder@morganlewis.com)  
46                    [andrew.decarlow@morganlewis.com](mailto:andrew.decarlow@morganlewis.com)  
47                    [ray.ivey@morganlewis.com](mailto:ray.ivey@morganlewis.com)

48                    Ari Micah Selman (*pro hac vice*)  
49                    101 Park Avenue  
50                    New York, New York 10178-0060  
51                    Phone: (212) 309-6000  
52                    Email: [ari.selman@morganlewis.com](mailto:ari.selman@morganlewis.com)

53                    *Attorneys for Defendants*

## ORDER

Based on the foregoing, IT IS SO ORDERED.

DATED this 18th day of December, 2025.

John H. Chun  
JOHN H. CHUN  
UNITED STATES DISTRICT JUDGE