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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BILL CORNICK and DAVID ABBOTT,
Individually and on Behalf of All Others Similarly
Situated,

Plaintiffs,

v.

ALLY BANK, ALLY FINANCIAL INC., and
DOES 1-50,

Defendants.

Case No. 5:21-cv-09439-EJD

STIPULATION AND ~~PROPOSED~~
ORDER STAYING CASE

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor

1 Pursuant to Civil Local Rules 6-2(a) and 7-12 and Federal Rule of Civil Procedure 81,
2 Plaintiffs Bill Cornick and David Abbott (“Plaintiffs”) and Defendants Ally Bank and Ally
3 Financial Inc. (“Defendants”) (collectively with Plaintiffs, the “Parties”), by and through their
4 respective counsel of record, hereby stipulate as follows:

5 WHEREAS, Plaintiffs filed a Class Action Complaint on November 2, 2021 in the Superior
6 Court of the State of California, County of Monterey (*Cornick et al v. Ally Bank et al*, Case No.
7 21CV003506) concerning the alleged exposure of data;

8 WHEREAS, on December 6, 2021, Defendants removed the *Cornick* case to the Northern
9 District of California, San Jose Division on the basis of diversity of citizenship (Case No. 5:21-cv-
10 09439, ECF No. 1);

11 WHEREAS, on January 12, 2022, the Court entered an order staying the deadline for
12 Defendants to respond to the Class Action Complaint and setting a schedule to brief Plaintiffs’
13 then-forthcoming Motion to Remand (the “Scheduling Order”) (*see* ECF 17);

14 WHEREAS, on January 28, 2022, Plaintiffs in the above-captioned case filed a Motion to
15 Remand this action back to the Superior Court of the State of California, County of Monterey
16 (ECF No. 21);

17 WHEREAS, during a March 10, 2022 meet and confer, the Parties agreed to explore a
18 potential resolution of this case;

19 WHEREAS, the Parties agreed that, in the interests of judicial economy, it would be
20 inefficient for the Parties to brief and the Court to hear the pending Motion to Remand (or any
21 other motions) while the Parties discuss a potential resolution of this case;

22 WHEREAS, the Parties further agreed that this case should be stayed for sixty (60) days
23 to allow the Parties sufficient time to explore a potential resolution of this case;

24 WHEREAS, at the request of the Parties, the Court entered a series of stipulations and
25 orders staying the case (ECF Nos. 17, 29, 32, 35, 39) on March 14, May 13, July 12, September
26 12, and November 15, 2022, in each case staying this action for sixty (60) days, vacating the
27 remaining deadlines and hearing for the Plaintiffs’ Motion to Remand, and ordering the Parties to
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1 submit a Joint Status Report informing the Court of the status of their settlement discussions by a
2 specific date and, if appropriate, proposing a schedule for further proceedings in this action;

3 WHEREAS, the Stipulation and Order Staying the Case (ECF No. 39) entered on
4 November 15, 2022 ordered the Parties to submit a Joint Status Report informing the Court of the
5 status of their settlement discussions by January 13, 2023 and, if appropriate, proposing a schedule
6 for further proceedings in this action;

7 WHEREAS, the Parties continued their discussion of a potential resolution of this case
8 during a January 6, 2023 meet and confer and further agreed to continue to discuss a potential
9 resolution of this case and planned further discussions on the subject;

10 WHEREAS, during that January 6, 2023 meet and confer, the Parties agreed that this case
11 should be stayed for an additional thirty (30) days to allow the Parties to continue to explore a
12 potential resolution of this case;

13 WHEREAS, the Parties believe this will be their final request for a stay of this case;

14 WHEREAS, counsel for the Parties do not request this additional stay for the purpose of
15 delay or any other improper purpose;

16 WHEREAS, there have been six previous time modifications in this case (*see* ECF Nos.
17 17, 26, 29, 32, 35, 39);

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the parties, through
19 their respective counsel, subject to Court approval that:

- 20 1. This action is hereby STAYED for thirty (30) days.
21 2. On or before February 13, 2023, the Parties shall submit a Joint Status Report
22 informing the Court of the status of their settlement discussions and, if appropriate, proposing a
23 schedule for further proceedings in this action.

24 The Parties respectfully request that the Court enter an Order approving this Stipulation.

25 **IT IS SO STIPULATED.**
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Dated: January 13, 2023

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Dated: January 13, 2023

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 13, 2023



UNITED STATES DISTRICT JUDGE
Hon. Edward J. Davila

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ATTESTATION

I, Stephen P. Blake, am the ECF User whose ID and password are being used to file this stipulation. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that counsel for the Plaintiffs concurred in this filing.

Dated: January 13, 2023

By: /s/ Stephen P. Blake
Stephen P. Blake