UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:19-CV-455-D

| LAUREN DAVIS, on behalf of herself and |) |
|--|---|
| others similarly situated, |) |
| Plaintiff, |) |
| V. |) |
| |) |
| ADT LLC, and SAFE STREETS USA LLC, |) |
| |) |
| Defendants. |) |
| |) |

<u>DEFENDANTS' JOINT MOTION TO STAY PROCEEDINGS PENDING SUPREME</u> <u>COURT'S DECISION IN FACEBOOK, INC. V. DUGUID</u>

Defendants ADT LLC and Safe Streets USA LLC, by and through their undersigned counsel, jointly move to stay this litigation pending the Supreme Court's forthcoming decision in *Facebook, Inc. v. Duguid*, No. 19-511, *cert. granted* (S. Ct. July 9, 2020), which will resolve the circuit split concerning what constitutes an "automatic telephone dialing system" under the Telephone Consumer Protection Act. A stay of this litigation is in the interests of judicial economy, will avoid the substantial hardship and prejudice that Defendants will face if the case is not stayed, and not impose any harm on Plaintiff. In support of this Motion, Defendants submits their Memorandum of Law and the Declaration of Daniel Blynn, which are being filed contemporaneously with this Motion.

Dated: October 20, 2020 By: <u>/s/ Edward A. Wyatt</u>

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2020, the foregoing document was filed electronically via the Court's CM/ECF system, which will send notice of filing to all counsel of record.

/s/ Edward A. Wyatt___

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