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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

11
12 CHRISTOPHER EAST, on behalf of himself
and all others similarly situated,

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14 Plaintiff,

15 vs.

16 EPIC ACTION, LLC, a Delaware corporation,
and MACHINE ZONE, INC., a Delaware
17 corporation,

18 Defendants.
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Case No. 5:20-cv-07455-NC

Action Filed: October 23, 2020

CLASS ACTION

**NOTICE OF IMPENDING
SETTLEMENT AND JOINT
STIPULATION TO MODIFY
DEADLINES**

1 Pursuant to Local Rule 6-1(b), Plaintiff Christopher East (“Plaintiff”), and Defendants Epic
2 Action, LLC and Machine Zone, Inc. (“Defendants”), by and through their counsel of record, and
3 without admission of any kind, or waiver of any defense, objection or other response, jointly provide
4 notice through their attorneys of the impending settlement of this action. The parties believe that they
5 have reached an agreement in principle on the terms of a settlement, subject to the finalization of the
6 terms, which is anticipated to occur in the coming days. Accordingly, the parties are writing to notify
7 the Court of the anticipated settlement and to stipulate to request that the Case Management
8 Conference scheduled for January 27, 2021 be taken off calendar and that the deadlines associated
9 with the Case Management Conference be vacated.

10 THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among Plaintiff and
11 Defendants that:

- 12 1. The parties believe that they have reached a settlement in principle and will formalize
13 a final settlement in the coming days.
- 14 2. Pursuant to this Court’s Order (ECF No. 5), a Case Management Conference is set for
15 January 27, 2021, and the associated deadline to file a Rule 26(f) Report and Case
16 Management Statement is today, January 20, 2021. The parties request that the Case
17 Management Conference be taken off calendar or postponed to allow them time to
18 complete the settlement, and that the associated deadlines be vacated or postponed.
- 19 3. The current deadline for Plaintiff to file a response to Defendants’ Motion to Compel
20 Arbitration and Motion to Dismiss is January 22, 2021, and the current deadline for
21 Defendants to file a reply in support of their Motion to Compel Arbitration and Motion
22 to Dismiss is January 29, 2021. The parties stipulate and respectfully request that the
23 Court vacate these deadlines and all other deadlines with the understanding that
24 Plaintiff will file a request for dismissal of the Action following completion of the
25 settlement. In the unlikely event that the settlement conditions are not completed in
26 the coming days, Plaintiff will request a further case management conference to set
27 new case management deadlines.
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1 4. By entering this Stipulation, Defendants do not otherwise consent to the jurisdiction
2 of this Court.
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4 Dated: January 20, 2021.

Respectfully submitted,

5 ARNOLD & PORTER KAYE SCHOLER LLP

6 By: /s/ Michael Berta
7 MICHAEL BERTA

8 *Attorneys for Defendants*
9 EPIC ACTION, LLC and MACHINE ZONE,
INC.

10 Dated: January 20, 2021.

THE SEQUOIA LAW FIRM

11 By: /s/ Melody L. Sequoia
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18 *Attorney for Plaintiff*
19 CHRISTOPHER EAST
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[PROPOSED] ORDER MODIFYING DEADLINES

IT IS HEREBY ORDERED that the Joint Stipulation is GRANTED. The Case Management Conference set for January 27, 2021 is hereby taken off calendar and all current filing deadlines are vacated. The parties should file a notice to update the Court on the status of settlement within 14 days if they do not reach a final settlement agreement within that time.

Dated: January __, 2021

NATHANAEL COUSINS
UNITED STATES MAGISTRATE JUDGE

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ATTESTATION

I, Michael Berta, am the ECF user who identification and password are being used to file the foregoing **NOTICE OF IMPENDING SETTLEMENT AND JOINT STIPULATION TO MODIFY CASE DEADLINES**. I hereby attest under penalty of perjury under the laws of the United States of America and L.R. 5.1(i)(3), that concurrence in the filing of this document has been obtained from each signatory herein.

/s/ Michael Berta
MICHAEL BERTA