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17 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

18  
19 Case No.: 3:23-cv-04089-SI

20 IN RE: ORRICK, HERRINGTON &  
SUTCLIFFE LLP DATA BREACH  
21 LITIGATION

**NOTICE OF SETTLEMENT AND  
JOINT STIPULATION AND  
[PROPOSED] ORDER TO STAY  
LITIGATION ACTIVITIES PENDING  
FILING OF MOTION FOR  
PRELIMINARY APPROVAL.**

22 This Document Relates To: All Actions

23  
24 **THE HON. SUSAN ILLSTON**

25 **NOTICE OF SETTLEMENT; JOINT STIPULATION AND [PROPOSED] ORDER**

26 WHEREAS, on December 14, 2023, Plaintiffs Dennis Werley and Robert Jensen and  
27 Defendant Orrick, Herrington & Sutcliffe LLP (“Orrick”) reached an agreement in principle to settle  
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1 the above-captioned actions on a class-wide basis (which includes those of Plaintiffs Bass, Freaze, and  
2 McCauley);

3 WHEREAS, on December 18, 2023, the Court granted Plaintiffs' Unopposed Amended  
4 Motion to Consolidate Cases and Appoint Interim Class Counsel [ECF No. 40], which consolidated  
5 the Werley, Jensen, Bass, and McCauley actions and appointed William Federman as interim class  
6 counsel;

7 WHEREAS, the Parties are in the process of finalizing the remaining terms of the agreement,  
8 drafting a formal settlement agreement, and preparing the ancillary documents that will be presented  
9 to the Court in connection with a motion seeking preliminary approval of the settlement (the  
10 "Preliminary Approval Motion");

11 WHEREAS, the Parties have agreed to use all reasonable efforts to promptly finalize and  
12 execute the formal settlement agreement;

13 WHEREAS, Plaintiffs will file the Preliminary Approval Motion promptly after the settlement  
14 is finalized and the formal settlement agreement is fully executed which the parties believe will be  
15 within the next fifteen (15) days;

16 WHEREAS, in light of the Parties' agreement to settle this action, further litigation activities  
17 at this stage would be an inefficient use of the Court's and the Parties' time and resources;

18 NOW, THEREFORE, it is hereby stipulated and agreed by the Parties through their respective  
19 undersigned attorneys of record, that:

- 20 1. The Court should enter an order staying this action in its entirety and vacating all current  
21 dates and deadlines.
- 22 2. The Parties shall file a status report within 35 days of entry of an order granting this joint  
23 stipulation in the event that Plaintiffs have not yet filed the Preliminary Approval Motion.

24 Nothing contained herein shall prevent the Court from entering any Order it deems appropriate.  
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**IT IS SO STIPULATED AND REQUESTED.**

DATED: December 21, 2023

ALSTON & BIRD LLP

By: /s/ Kristine M. Brown<sup>1</sup>  
Kristine M. Brown  
*Counsel for Defendant Orrick, Herrington & Sutcliffe, LLP*

DATED: December 21, 2023

FEDERMAN & SHERWOOD

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*Counsel for Plaintiffs in the Werley and Jensen Actions and the Putative Classes*

**PURSUANT TO THE STIPULATION, IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge

<sup>1</sup> Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from all signatories.