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

CAT BROOKS and RASHEED SHABAZZ, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

THOMSON REUTERS CORPORATION,

Defendant.

Case No. 3:21-cv-01418-EMC-KAW

STIPULATION AND [~~PROPOSED~~] ORDER REGARDING PLAINTIFFS' AMENDED COMPLAINT AND DEFENDANT'S DEADLINE TO RESPOND THERETO

Judge: Hon. Edward M. Chen

Pursuant to Federal Rule of Civil Procedure 15(a)(2), and Civil Local Rules 6-1(a) and 7-12, the parties hereby stipulate as follows:

Whereas, on November 14, 2022, Plaintiffs filed, with leave of Court, a first amended complaint that included certain claims previously dismissed, *see* ECF 54, 133, 135;

Whereas, Plaintiffs included such claims in an abundance of caution to preserve appellate rights because, while they had understood such claims to have been dismissed with prejudice, the Court's order did not expressly so state, *see* ECF 123 at 2 n.1;

Whereas, the parties have met and conferred and agree that, with the Court's clarification that the previously dismissed claims were dismissed with prejudice, Plaintiffs may refile their amended complaint without re-alleging previously dismissed claims, thus obviating any need of Defendant to file another motion to dismiss such claims;

Whereas, pursuant to Civil Local Rules 6-1(a) and 7-12, the parties also agree that Defendant may file a responsive pleading by December 28, 2022;

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, that:

1. The Court clarifies that in its previous order granting in part and denying in part Defendant's motion to dismiss was with prejudice and those claims and issues are preserved for appeal, *see* ECF 54; *see Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012);
2. Plaintiffs shall refile their first amended complaint without the dismissed claims within five (5) court days of entry of this order;
3. Defendant shall file a responsive pleading no later than December 28, 2022.

DATED: November 22, 2022

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Respectfully submitted,

/s/ *Andre M. Mura*

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DATED: November 22, 2022

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[~~PROPOSED~~] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 28, 2022

The Hon. Edward M. Chen
United States District Judge