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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

AMENDED 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, *see* ECF 123 at 2 n.1, because, while they had understood such claims to have been dismissed either with prejudice or without leave to amend, the Court's order did not expressly so state;

Whereas, the parties have met and conferred and agree that 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, subject to the Court's clarification that its previous order granting in part and denying in part Defendant's motion to dismiss, ECF 54, was with prejudice. However, to the extent the Court dismissed Plaintiffs' Unfair Competition Law cause of action for monetary relief because Plaintiffs have an adequate legal remedy, this dismissal is without prejudice for lack of equitable jurisdiction and without leave to amend. *See Guzman v. Polaris Industries Inc.*, 49 F.4th 1308, 1315 (9th Cir. 2022); *Brooks v. Thomson Reuters Corp.*, No. 3:21-cv-01418-EMC-KAW, ECF 54 at 18-19 (N.D. Cal. Aug. 16, 2021). The claims dismissed in the Court's prior order need not be repled and are preserved for appeal. *See Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012);

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;

Whereas, the parties filed a stipulation and proposed order, ECF 141, which erroneously suggested the dismissal of Plaintiffs' UCL cause of action for monetary relief would be with prejudice when, as stated above, it would be without prejudice or leave to amend. The Court granted the stipulation before the parties were able to submit an amended proposal. ECF 142;

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

1. The Court vacates its prior Order granting the parties' stipulation regarding Plaintiffs' amended complaint and Defendant's deadline to respond thereto. ECF 142.
2. The Court clarifies that in its previous order granting in part and denying in part Defendant's motion to dismiss, ECF 54, was with prejudice. However, to the extent the Court dismissed Plaintiffs' Unfair Competition Law cause of action for monetary relief because Plaintiffs have an adequate legal remedy, this dismissal is without prejudice for lack of equitable jurisdiction, but without leave to amend. *Guzman v. Polaris Industries Inc.*, 49 F.4th 1308, 1315 (9th Cir. 2022); *Brooks v. Thomson Reuters Corp.*, No. 3:21-cv-01418-EMC-KAW, ECF 54 at 18-19 (N.D. Cal. Aug. 16, 2021). The claims dismissed in the Court's prior order need not be repled and are preserved for appeal. *See Lacey v. Maricopa County*, 693 F.3d 896, 928 (9th Cir. 2012).
3. Plaintiffs shall refile their first amended complaint without the dismissed claims within five (5) court days of entry of this order.
4. Defendant shall file a responsive pleading no later than December 28, 2022.

DATED: November 28, 2022

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Respectfully submitted,

/s/ *Andre M. Mura*

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DATED: November 28, 2022

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Attorneys for Defendant
Thomson Reuters Corporation

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

_____
The Hon. Edward M. Chen
United States District Judge

ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the other signatory.

/s/ Andre M. Mura