

GIBSON DUNN & CRUTCHER LLP
ETHAN D. DETTMER, SBN 196046
edettmer@gibsondunn.com
ABIGAIL A. BARRERA, SBN 301746
abarrera@gibsondunn.com
ASHLEY J. HODGE, SBN 287653
ahodge@gibsondunn.com
ANTHONY D. BEDEL, SBN 324065
tbedel@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105
Telephone: 415.393.8200
Facsimile: 415.393.8306

GIBSON, DUNN & CRUTCHER LLP
ALEXANDER H. SOUTHWELL (*pro hac vice*)
asouthwell@gibsondunn.com
200 Park Avenue, 48th Floor
New York, NY 10166
Telephone: 212.351.4000
Facsimile: 212.351.4035

Attorneys for Defendant PLAID INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE PLAID INC. PRIVACY LITIGATION

Master Docket No. 4:20-cv-03056-DMR

**JOINT STIPULATION AND PROPOSED
ORDER TO EXTEND PAGE LIMITS
PURSUANT TO CIVIL LOCAL RULE 7-12**

THIS DOCUMENT RELATES TO:

Hon. Donna M. Ryu

ALL ACTIONS

Action Filed: May 4, 2020

Trial Date: None Set

Pursuant to Civil Local Rule 7-12, Defendant Plaid Inc. (“Defendant”) and Plaintiffs Caroline Anderson, James Cottle, Rachel Curtis, David Evans, Logan Mitchell, Alexis Mullen, Jordan Sacks, Frederick Schoeneman, Gabriel Sotelo, Jeffrey Umali, Nicholas Yeomelakis, on behalf of themselves and all others similarly situated (“Plaintiffs”), by and through their counsel of record, respectfully submit this stipulation to seek extensions on the page limits applicable to the briefings on Defendant’s anticipated motion to dismiss Plaintiffs’ Consolidated Amended Complaint.

WHEREAS, certain Plaintiffs commenced this action by filing a Complaint on May 4, 2020, *see* Dkt. No. 1;

WHEREAS, certain Plaintiffs subsequently filed four additional lawsuits against Plaid, consisting of related allegations and claims;

WHEREAS, the Court granted the Parties’ stipulation to consolidate the five lawsuits (ECF No. 57);

WHEREAS, Plaintiffs filed a Consolidated Amended Complaint (“CAC”), asserting ten (10) claims for relief on behalf of alleged nationwide and California classes (ECF No. 61);

WHEREAS, Civil Local Rule 7-2(b) sets a 25-page limit for a memorandum in support of a motion to dismiss;

WHEREAS, Civil Local Rule 7-3(a) sets a 25-page limit for a memorandum in support of an opposition to a motion to dismiss;

WHEREAS, Civil Local Rule 7-3(c) sets a 15-page limit for a memorandum in support of a reply to an opposition to a motion to dismiss;

WHEREAS, no previous page limit modifications have been made in the case, whether by stipulation or Court order;

WHEREAS, the Parties have met and conferred about the subject matter of the stipulation;

WHEREAS, the Parties agree that the page limitations provided for in the Civil Local Rules are inadequate to fully address the factual allegations and causes of action set forth in the CAC, and that the Court will benefit from more thorough briefing by the Parties; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties in this action, pursuant to Civil Local Rule 7-12 that:

- Defendant's memorandum of points and authorities in support of its motion to dismiss shall be limited to 40 pages;
- Plaintiffs' memorandum of points and authorities in opposition to Defendant's motion to dismiss shall be limited to 45 pages; and
- Defendant's reply brief shall be limited to 20 pages, except in the case that Defendant's memorandum of points and authorities in support of its motion to dismiss is less than 40 pages, Defendant shall be permitted to extend its reply brief by the difference between the length of its memorandum of points and authorities in support of its motion to dismiss and 40 pages, but in no event will the reply brief exceed 25 pages.

In accordance with Civil Local Rule 5-1, the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from the other signatory, below.

Dated: September 8, 2020

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Ethan D. Dettmer

Ethan D. Dettmer (SBN 196046)
 Abigail A. Barrera (SBN 301746)
 Ashley J. Hodge (SBN 287653)
 Anthony D. Bedel (SBN 324065)
 555 Mission Street, Suite 3000
 San Francisco, CA 94105-0921
 Telephone: 415.393.8200
 Fax: 415.393.8306
 abarrera@gibsondunn.com
 ahodge@gibsondunn.com
 tbedel@gibsondunn.com

Alexander H. Southwell (*pro hac vice*)
 200 Park Avenue, 48th Floor
 New York, NY 10166
 Telephone: 212.351.4000
 Fax: 212.351.4035
 asouthwell@gibsondunn.com

Attorneys for Defendant Plaid Inc.

Dated: September 8, 2020

By: /s/ Shawn M. Kennedy
 Shawn M. Kennedy (SBN 218472)
 Andrew M. Purdy (SBN 261912)
 Bret D. Hembd (SBN 272826)
 HERRERA PURDY LLP
 4590 MacArthur Blvd., Suite 500
 Newport Beach, CA 92660
 Telephone: (949) 936-0900
 Fax: (855) 969-2050
 skennedy@herrerapurdy.com
 apurdy@herrerapurdy.com
 bhembd@herrerapurdy.com

Nicomedes Sy Herrera (SBN 275332)
 Laura E. Seidl (SBN 269891)
 HERRERA PURDY LLP
 1300 Clay Street, Suite 600
 Oakland, CA 94612
 Telephone: (510) 422-4700
 Fax: (855) 969-2050
 nherrera@herrerapurdy.com
 lseidl@herrerapurdy.com

Rachel Geman (*pro hac vice*)
 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP
 250 Hudson Street, 8th Floor
 New York, NY 10013-1413
 Telephone: (212) 355-9500
 Fax: (212) 355-9592
 rgeman@lchb.com

Warren T. Burns (*pro hac vice*)
 Russell Herman (*pro hac vice*)
 BURNS CHAREST LLP
 900 Jackson Street, Suite 500
 Dallas, TX 75202
 Telephone: (469) 904-4550
 Fax: (469) 444-5002
 wburns@burnscharest.com
 rherman@burnscharest.com

Michael W. Sobol (SBN 194857)
 Melissa Gardner (SBN 289096)
 LIEFF CABRASER HEIMANN &
 BERNSTEIN, LLP
 275 Battery Street, 29th Floor
 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 Fax: (415) 956-1008
 msobol@lchb.com mgardner@lchb.com

Christopher J. Cormier (*pro hac vice*)
 BURNS CHAREST LLP
 5290 Denver Tech Center Parkway, Suite 150
 Greenwood Village, CO 80111
 Telephone: (720) 630-2092
 Fax: (469) 444-5002
 ccormier@burnscharest.com

Attorneys for Plaintiffs and the Proposed Classes

[PROPOSED] ORDER

Having reviewed the above Joint Stipulation and Proposed Order To Extend Page Limits Pursuant To Civil Local Rule 7-12, PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- Defendant's memorandum of points and authorities in support of its motion to dismiss shall be limited to 40 pages;
- Plaintiffs' memorandum of points and authorities in opposition to Defendant's motion to dismiss shall be limited to 45 pages; and
- Defendant's reply brief shall be limited to 20 pages, except in the case that Defendant's memorandum of points and authorities in support of its motion to dismiss is less than 40 pages, Defendant shall be permitted to extend its reply brief by the difference between the length of its memorandum of points and authorities in support of its motion to dismiss and 40 pages, but in no event will the reply brief exceed 25 pages.

IT IS SO ORDERED.

DATED: Sept. 11, 2020

THE HONORABLE SONNA M. RYU
UNITED STATES MAGISTRATE JUDGE



CERTIFICATE OF SERVICE

I, Ethan D. Dettmer, hereby certify that on September 8, 2020, I caused the foregoing Joint Stipulation and Proposed Order to Extend Page Limits Pursuant to Civil Local Rule 7-12 to be electronically filed via the Court's CM/ECF system. Notice of this filing will be served to all counsel of record by operation of the Court's electronic filing system.

/s/ Ethan D. Dettmer
Ethan D. Dettmer