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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 Stewart O’Nan, et al.,
12 Individual and Representative Plaintiffs,
13 v.
14 Databricks, Inc., Mosaic ML, Inc.,
15 Defendants.

Case No. 3:24-cv-01451-CRB

JOINT STIPULATION AND ~~PROPOSED~~
ORDER CONSOLIDATING CASES

Judge: Hon. Charles R. Breyer
Complaint Filed: March 8, 2024
Trial Date: n/a

16 Rebecca Makkai, et al.,
17 Individual and Representative Plaintiffs,
18 v.
19 Databricks, Inc., Mosaic ML, Inc.,
20 Defendants.
21

Case No. 3:24-cv-02653-CRB

RELATED CASE

Judge: Hon. Charles R. Breyer
Complaint Filed: May 2, 2024
Trial Date: n/a

1 Pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 3-12(a), Plaintiffs Stewart
2 O’Nan, Abdi Nazemian, Brian Keene, Rebecca Makkai, Jason Reynolds and Defendants Databricks, Inc.
3 and Mosaic ML, LLC, formerly Mosaic ML, Inc., jointly request that the above captioned actions (the
4 “Actions”) be related and consolidated for all pretrial and trial proceedings. The parties, by and through
5 their undersigned counsel, stipulate as follows:

6 1. WHEREAS, Plaintiffs Stewart O’Nan, Abdi Nazemian, and Brian Keene filed a Complaint
7 on March 8, 2024 against Defendants Databricks, Inc. and Mosaic ML, Inc. in *O’Nan, et al. v. Databricks*
8 *Inc., et al.*, Case No. 3:24-cv-01451-CRB (N.D. Cal. March 8, 2024) (the “*O’Nan Action*”) (*O’Nan Dkt.*
9 *No. 1*);

10 2. WHEREAS, on May 2, 2024, Plaintiffs Rebecca Makkai and Jason Reynolds filed a
11 Complaint against Defendants Databricks, Inc. and Mosaic ML, Inc. in *Makkai, et al., v. Databricks, Inc.,*
12 *et al.*, Case No. 3:24-cv-02653-CRB (N.D. Cal. May 2, 2024) (the “*Makkai Action*”) (*Makkai Dkt. No.*
13 *1*);

14 3. WHEREAS, on May 8, 2024, Plaintiffs filed an Administrative Motion to Consider
15 Whether Cases Should be Related seeking to relate the *Makkai Action* to the *O’Nan Action* (*O’Nan Dkt.*
16 *No. 40*);

17 4. WHEREAS, on May 13, 2024, this Court granted the motion and related the *Makkai Action*
18 to the *O’Nan Action* (*O’Nan Dkt. No. 45*; *Makkai Dkt. No. 19*);

19 5. WHEREAS, on May 15, 2024 and May 21, 2024, Plaintiffs in the *O’Nan Action* met and
20 conferred with Defendants pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and subsequently
21 served Defendants with written discovery;

22 6. WHEREAS, Plaintiffs for the *O’Nan Action* and *Makkai Action* have operated
23 collaboratively in negotiations with Defendants regarding Rule 26(f) obligations and discovery;

24 7. WHEREAS, on November 12, 2024, Defendants filed a motion to consolidate the *O’Nan*
25 *Action* and the *Makkai Action*. *See O’Nan Dkt. No. 55*;

26 8. WHEREAS, the parties agree that consolidation of the Actions will advance the just and
27 efficient progress of this litigation, reduce case duplication, conserve Court time and resources, avoid the
28

1 need to contact parties and witnesses for multiple proceedings, and minimize the expenditure of time and
2 money for all parties involved. *See* Fed. R. Civ. P. 42(a);

3 9. WHEREAS, the parties agree that discovery is open in the *O’Nan* Action and the *Makkai*
4 Action and will not be affected by consolidation;

5 10. WHEREAS, the parties have conferred and agreed that going forward, the *O’Nan* Action
6 and the *Makkai* Action shall be consolidated for all purposes under Federal Rule of Civil Procedure 42(a);
7

8 NOW THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree
9 that, subject to the approval of the Court,

10 1. the *O’Nan* Action and the *Makkai* Action shall be consolidated for all purposes under
11 Federal Rule of Civil Procedure 42(a); and

12 2. the *O’Nan* and *Makkai* Actions shall be maintained under Master File Case No. 3:24-cv-
13 01451-CRB (the “Consolidated Action”); and

14 3. Defendants’ motion to consolidate the *O’Nan* and *Makkai* Actions (*O’Nan* Dkt. 55) is
15 denied as moot; and

16 4. Plaintiffs’ counsel shall file a proposal for the appointment of interim lead counsel by
17 December 27, 2024.

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19 Dated: November 26, 2024

Respectfully submitted,

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21 By: /s/ Joseph R. Saveri

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1 Dated: November 26, 2024

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1 Dated: November 26, 2024

Respectfully Submitted,

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~~[PROPOSED]~~ ORDER

PURSUANT TO JOINT STIPULATION, IT IS SO ORDERED.

Dated: December 2, 2024



The Honorable Charles R. Breyer
U.S. District Court Judge