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10	Counsel for Defendants Automattic Inc. and	San Francisco, CA 94111 Telephone: (415) 875-6400			
11	Matthew Charles Mullenweg	Facsimile: (415) 875-6700			
12		Counsel for Plaintiff WPEngine, Inc.			
13					
14	UNITED STAT	ES DISTRICT COURT			
15	NORTHERN DISTRICT OF CALIFORNIA				
16	SAN FRANCISCO DIVISION				
17	WPENGINE, INC., a Delaware corporation,	Case No. 3:24-cv-06917-AMO			
18	Plaintiff,	JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE			
19	V.	REPLY IN SUPPORT OF DEFENDANTS'			
20	AUTOMATTIC INC., a Delaware corporation	MOTION TO DISMISS AND STRIKE AND ADVANCING HEARING DATE ON DKTS.			
21	and MATTHEW CHARLES MULLENWEG, an individual,				
22	Defendants.	Judge: Hon. Araceli Martinez-Olguín			
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Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Defendants Automattic Inc. and Matthew Charles Mullenweg ("Defendants") and Plaintiff WPEngine, Inc. (collectively, the "Parties"), by and through their respective counsel, hereby stipulate and agree to the following:

BRIEFING ON DEFENDANTS' MOTION TO DISMISS AND STRIKE PLAINTIFF'S AMENDED COMPLAINT

WHEREAS, on December 2, 2024, on the Parties' stipulation, the Court ordered that Defendants' motion to dismiss and strike WPE's amended complaint be filed by December 19, 2024 ("Motion"), that Plaintiff's opposition to the Motion be filed by January 22, 2025 ("Opposition"), and that Defendants' reply in support of the Motion be filed by February 5, 2025 (Dkt. 61);

WHEREAS, on December 19, 2024, Defendants filed the Motion (Dkt. 68), which was set for hearing on June 5, 2025;

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WHEREAS, on January 22, 2025, Plaintiff filed its Opposition to the Motion (Dkt. 75);

WHEREAS, on January 22, 2025, Defendants retained new counsel in this matter, Gibson Dunn, as detailed in the accompanying Declaration of Rosemarie T. Ring, who will substitute in and replace existing counsel who are withdrawing from representing Defendants in this action;

WHEREAS, as also detailed in the Ring Declaration, to permit Defendants' new counsel time to transition into the case and adequately prepare their reply in support of the Motion, Defendants request a two-week extension of the time to file their reply until February 19, 2025, which Plaintiff does not oppose, and which will not delay resolution of the case given that the hearing on the Motion is several months away;

WHEREAS, in light of the above, the Parties have stipulated that, subject to the Court's approval, Defendants' deadline to file their reply in support of the Motion will be extended by two weeks until February 19, 2025;

NOW THEREFORE, the Parties stipulate that, subject to the Court's approval, Defendants' deadline to file their reply in support of the Motion will be extended to February 19, 2025; The requested extension will not affect any other date previously ordered by the Court, or the overall schedule in this case.

HEARING ON DEFENDANTS' MOTION TO DISMISS AND STRIKE PLAINTIFF'S AMENDED COMPLAINT

WHEREAS, Plaintiff's counsel has a conflict with the June 5, 2025 hearing date on the Motion (which date was selected unilaterally by Defendants based on the Court's listed availability) due to a family graduation, and has requested moving the hearing date up to a mutually convenient date in May 2025;

WHEREAS, Defendants do not object to moving the hearing date up to May 8, 2025;

WHEREAS, Michael Willman, the movant on the Motion to Intervene (Dkt. 70) and Motion for Contempt (Dkt. 71) filed on January 13, 2025, and also set for hearing on June 5, 2025 (Dkt. 74), has been contacted by Defendants' counsel and has confirmed that he also has no objection to moving the hearing date on all three motions (Dkts. 68, 70 and 71) up to May 8, 2025;

WHEREAS, the Parties understand that there are no publicly available hearing dates currently listed on the Court's calendar for May 2025, but respectfully request that, in light of Plaintiff's counsel's scheduling conflict, if the Court is able to accommodate Plaintiff's request to move the June 5, 2025 hearing date to May 8, 2025, that the hearing be moved up accordingly;

WHEREAS, if the Court is unable to move the June 5, 2025 hearing date to May 8, 2025, the Parties request that the June 5 hearing stay in place (and not be continued to a later date) in order to avoid delaying the schedule in this matter, and Plaintiff's counsel will adjust its staffing;

WHEREAS, in light of the above, the Parties have stipulated that, subject to the Court's approval, the hearing date on all three motions (Dkts. 68, 70 and 71) be moved up to May 8, 2025, which non-party Mr. Willman does not oppose;

NOW THEREFORE, the Parties stipulate that, subject to the Court's approval, and given Mr. Willman's consent, the June 5, 2025 hearing date on all three motions (Dkts. 68, 70 and 71) be moved up to May 8, 2025; The requested hearing date modification will not affect any other date previously ordered by the Court, or the overall schedule in this case; The new requested hearing date of May 8, 2025, is still more than 11 weeks after the proposed February 19, 2025 deadline for Defendants' reply and thus remains compliant with the Court's Standing Order. *See* Nov. 22, 2023 Standing Order for

	Case 3:24-cv-06917-AMO	Document 86	Filed 01/28/25	Page 4 of 6	
1	Civil Cases § B. The requested m	odification will not a	affect any other d	ate previously ordered by	the
2	Court, or the overall schedule in this case.				
3	IT IS SO STIPULATED.				
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5	DATED: January 28, 2025	GIBSON,	DUNN & CRUT	CHER LLP	
6		Ву:	/s/ Rosema Rosema	<i>urie T. Ring</i> rie T. Ring	
7 8			or Defendants Aut	omattic Inc. and	
8 9		Matthew Charles Mullenweg			
10	DATED: January 28, 2025	QUINN E	MANUEL URQU	JHART & SULLIVAN LI	LP
11		By:	/s/ Rachel	<u>Kassabian</u> Kassabian	
12			Rachel	Kassabian	
13		Counsel fo	or Plaintiff WPEn	gine, Inc.	
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Gibson, Dunn & Crutcher LLP	JOINT STIPULATION AND [PROPOSED MOTION TO DISMISS AND STRIKE ANI	3] ORDER EXTENDING T D ADVANCING HEARIN 06917-AMC	G DATE ON DKTS. 68	IN SUPPORT OF DEFENDANTS 3, 71 AND 73 - CASE NO. 3:24-C	3' V-

	Case 3:24-cv-06917-AMO Document 86 Filed 01/28/25 Page 5 of 6						
1	[PROPOSED] ORDER						
2	NOW THEREFORE, pursuant to the Joint Stipulation and [Proposed] Order Extending Time						
3							
4	on Dkts. 68, 71 and 73 (the "Joint Stipulation"), the Court ORDERS as follows:						
5	5 1. Defendants' reply in support of Defendants' Motion to Dismiss and Strike the Ame						
6	Complaint (Dkt. 68) shall be filed on or before February 19, 2025.						
7	2. The hearing on Defendants' Motion to Dismiss and Strike the Amended Complaint (Dkt. 68)						
8	and non-party Michael Willman's Motion to Intervene (Dkt. 70) and Motion for Contempt (Dkt.						
9	71) shall be advanced from June 5, 2025, to May 8, 2025.						
10	IT IS SO ORDERED.						
11							
12	Dated:, 2025						
13	By:						
14	Honorable Araceli Martinez-Olguin United States District Judge						
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Gibson, Dunn & Crutcher LLP	JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND STRIKE AND ADVANCING HEARING DATE ON DKTS. 68, 71 AND 73 - CASE NO. 3:24-CV- 06917-AMO						

	Case 3:24-cv-06917-AMO Document 86 Filed 01/28/25 Page 6 of 6					
1	E-FILING ATTESTATION					
2	Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I hereby attest that counsel for					
3	Plaintiff has concurred in this filing.					
4	/s/ Posamaria T. Pina					
5	<u>/s/ Rosemarie T. Ring</u> Rosemarie T. Ring					
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Gibson, Dunn & Crutcher LLP	JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO FILE REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS AND STRIKE AND ADVANCING HEARING DATE ON DKTS. 68, 71 AND 73 - CASE NO. 3:24-CV- 06917-AMO					