

1 ROSEMARIE T. RING, SBN 220769
rring@gibsondunn.com
2 JOSEPH R. ROSE, SBN 27902
jrose@gibsondunn.com
3 GIBSON, DUNN & CRUTCHER LLP
One Embarcadero Center
4 San Francisco, CA 94111-3715
Telephone: 415.393.8200
5 Facsimile: 415.801.7358

6 MICHAEL H. DORE, SBN 227442
mdore@gibsondunn.com
7 GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
8 Los Angeles, CA 90071-3197
Telephone: 213.229.7000
9 Facsimile: 213.229.6652

10 *Counsel for Defendants Automattic Inc. and*
11 *Matthew Charles Mullenweg*

QUINN EMANUEL URQUHART & SULLIVAN LLP
Rachel Herrick Kassabian (SBN 191060)
rachelkassabian@quinnemanuel.com
Yury Kapgan (SBN 218366)
yurykapgan@quinnemanuel.com
Margret M. Caruso (SBN 243473)
margretcaruso@quinnemanuel.com
555 Twin Dolphin Dr., 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Brian Mack (SBN 275086)
brianmack@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6400
Facsimile: (415) 875-6700

Counsel for Plaintiff WPEngine, Inc.

12
13
14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 WPENGINE, INC., a Delaware corporation,

18 Plaintiff,

19 v.

20 AUTOMATTIC INC., a Delaware corporation;
21 and MATTHEW CHARLES MULLENWEG,
an individual,

22 Defendants.
23
24
25
26
27
28

Case No. 3:24-cv-06917-AMO

**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**

Judge: Hon. Araceli Martinez-Olguín

1 Pursuant to Civil Local Rules 6-1(b), 6-2, and 7-12, Defendants Automattic Inc. and Matthew
2 Charles Mullenweg (“Defendants”) and Plaintiff WPEngine, Inc. (collectively, the “Parties”), by and
3 through their respective counsel, hereby stipulate and agree to the following:

4 **BRIEFING ON DEFENDANTS’ MOTION TO DISMISS AND STRIKE PLAINTIFF’S**
5 **AMENDED COMPLAINT**

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

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

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

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

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

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

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

28

[PROPOSED] ORDER

NOW THEREFORE, pursuant to the *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* (the “Joint Stipulation”), the Court ORDERS as follows:

1. Defendants’ reply in support of Defendants’ Motion to Dismiss and Strike the Amended Complaint (Dkt. 68) shall be filed on or before February 19, 2025.
2. The hearing on Defendants’ Motion to Dismiss and Strike the Amended Complaint (Dkt. 68) and non-party Michael Willman’s Motion to Intervene (Dkt. 70) and Motion for Contempt (Dkt. 71) shall be advanced from June 5, 2025, to May 8, 2025.

IT IS SO ORDERED.

Dated: _____, 2025

By: _____
Honorable Araceli Martinez-Olguin
United States District Judge

E-FILING ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I hereby attest that counsel for Plaintiff has concurred in this filing.

/s/ Rosemarie T. Ring
Rosemarie T. Ring

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28