



22652144

QUINN EMANUEL URQUHART &amp; SULLIVAN, LLP

Joseph C. Sarles (Bar No. 254750)

josephsarles@quinnemanuel.com

Sean Taheri (Bar No. 293912)

seantaheri@quinnemanuel.com

865 South Figueroa Street, 10th Floor

Los Angeles, California 90017-2543

Telephone: (213) 443-3000

Facsimile: (213) 443-3100

Patrick T. Burns (Bar No. 300219)

patrickburns@quinnemanuel.com

50 California St., 22nd Floor

San Francisco, California 94111-4788

Telephone: (415) 875-6600

Facsimile: (415) 875-6700

*Attorneys for Plaintiff-Petitioners and  
Baca Plaintiffs*

## SUPERIOR COURT OF THE STATE OF CALIFORNIA

## COUNTY OF ALAMEDA

IN RE AMAZON.COM ALEXA CASES

Case No.: JCCP 5069

Reservation No.: R-2155087

**DECLARATION OF JOSEPH C.  
SARLES IN SUPPORT OF  
PLAINTIFF-PETITIONERS'  
STATEMENT RE: JCCP NO.  
5069**

Judge: Brad Seligman

Dep't: 23

Hearing: Feb. 18, 2020 at 3 p.m.



I, Joseph C. Sarles, declare:

I. I am a partner at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Keith Edwards, Madeleine Chen, Marcial Castaneda, Daniel Foster, Dieisha Hodges, Craig Larsen, Claudia Ramey, and Jennifer Taylor (collectively, "Plaintiff-Petitioners") in the Included Actions of JCCP No. 5069, as well as counsel for the plaintiffs in *Baca, et al. v. Amazon.com, Inc., et al.* (Alameda County, RG19046707) (the "Baca Plaintiffs"). I am duly licensed to practice law in all courts of the State of California. I have personal knowledge of the matters set forth herein,

No. JCCP 5069

DECLARATION OF JOSEPH C. SARLES

1 and if called upon to testify, would be competent to do so.

2           2.       On October 30, 2019, Plaintiff-Petitioners filed their Petition for Coordination, JCCP  
3 No. 5069, with the Judicial Council of California. A true and correct copy of the petition, exempting  
4 the exhibits to Declaration of Joseph C. Sarles in support thereof, is attached hereto as **Exhibit A**.

5           3.       On October 30, 2019, Defendants Amazon.com, Inc. and A2Z Development Center,  
6 Inc. (collectively, "Amazon") filed a Petition for Coordination, JCCP No. 5071, with the Judicial  
7 Council of California. A true and correct copy of the petition, exempting the exhibits to Declaration  
8 of Avery L. Brown in support thereof, is attached hereto as **Exhibit B**.

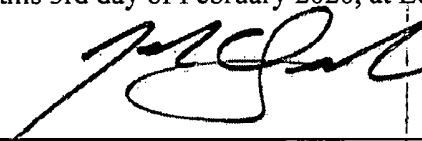
9           4.       On October 31, 2019, Amazon filed a Notice of Non-Opposition and Response in  
10 Support of Plaintiff-Petitioners' Petition, JCCP No. 5069. A true and correct copy of the Notice of  
11 Non-Opposition and Response in Support of Plaintiff-Petitioners' Petition, JCCP No. 5069 is  
12 attached hereto as **Exhibit C**.

13           5.       On November 7, 2019, the Parties stipulated to and requested the court order a stay  
14 of proceedings for the cases brought by Keith Edwards, Daniel Foster, Dieisha Hodges, Craig  
15 Larsen, Claudia Ramey, and Jennifer Taylor, until a decision on either of the Parties' pending  
16 petitions for coordination. On November 21, 2019, the request for stay was granted in each of those  
17 actions. True and correct copies of the Court orders granting the stay are attached hereto as **Exhibits**  
18 **D1-D6**.

19           6.       On January 8, 2020, the Baca Plaintiffs, the Plaintiff-Petitioners, and Amazon  
20 stipulated and agreed that *Baca* should be deemed an included action for purposes of any hearings  
21 on the Parties' petitions for coordination. A true and correct copy of that stipulation is attached  
22 hereto as **Exhibit E**.

23           7.       On January 14, 2020, the Baca Plaintiffs and Amazon stipulated to and requested  
24 the Court order a stay of proceedings until a decision on either of the Parties' pending petitions for  
25 coordination. On January 22, 2020, the Court granted the request for stay. A true and correct copy  
26 of that Court order is attached hereto as **Exhibit F**.

1 I declare under penalty of perjury pursuant to the laws of the State of California that the  
2 foregoing is true and correct. Executed this 3rd day of February 2020, at Los Angeles, California.

3   
4 \_\_\_\_\_  
5 Joseph C. Sarles

# **Exhibit A**

RECEIVED  
Judicial Council of California

OCT 30 2019

*[Signature]*  
Coordination Attorney

QUINN EMANUEL URQUHART & SULLIVAN, LLP

Joseph C. Sarles (Bar No. 254750)  
josephsarles@quinnemanuel.com  
Sean Taheri (Bar No. 293912)  
seantaheri@quinnemanuel.com  
865 South Figueroa Street, 10th Floor  
Los Angeles, California 90017-2543  
Telephone: (213) 443-3000  
Facsimile: (213) 443-3100

Patrick T. Burns (Bar No. 300219)  
patrickburns@quinnemanuel.com  
50 California St., 22nd Floor  
San Francisco, California 94111-4788  
Telephone: (415) 875-6600  
Facsimile: (415) 875-6700

*Attorneys for Plaintiff-Petitioners*

*JCP 5069*

CHAIR OF THE JUDICIAL COUNCIL  
OF THE STATE OF CALIFORNIA

KEITH EDWARDS,  
Plaintiff,  
vs.

AMAZON.COM, INC., a Delaware  
corporation, and A2Z DEVELOPMENT  
CENTER, INC., a Delaware corporation,  
Defendants.

Alameda County Superior Court  
Case No. RG19035444

MADELEINE CHEN and MARCIAL  
CASTANEDA,  
Plaintiff,  
vs.

AMAZON.COM, INC., a Delaware  
corporation, and A2Z DEVELOPMENT  
CENTER, INC., a Delaware corporation,  
Defendants.

Los Angeles County Superior Court  
Case No. 19STCV33082

DANIEL FOSTER,  
Plaintiff,  
vs.

Alameda County Superior Court  
Case No. RG19037134

1	AMAZON.COM, INC., a Delaware corporation, and A2Z DEVELOPMENT	
2	CENTER, INC., a Delaware corporation,	
3	Defendants.	
4	DIEISHA HODGES,	Alameda County Superior Court Case No. RG19037138
5	Plaintiff,	
6	vs.	
7	AMAZON.COM, INC., a Delaware corporation, and A2Z DEVELOPMENT	
8	CENTER, INC., a Delaware corporation,	
9	Defendants.	
10	CRAIG LARSEN,	Alameda County Superior Court Case No. RG19039490
11	Plaintiff,	
12	vs.	
13	AMAZON.COM, INC., a Delaware corporation, and A2Z DEVELOPMENT	
14	CENTER, INC., a Delaware corporation,	
15	Defendants.	
16	CLAUDIA RAMEY,	Alameda County Superior Court Case No. RG19039506
17	Plaintiff,	
18	vs.	
19	AMAZON.COM, INC., a Delaware corporation, and A2Z DEVELOPMENT	
20	CENTER, INC., a Delaware corporation,	
21	Defendants.	
22	JENNIFER TAYLOR,	Alameda County Superior Court Case No. RG19039498
23	Plaintiff,	
24	vs.	
25	AMAZON.COM, INC., a Delaware corporation, and A2Z DEVELOPMENT	PETITION FOR COORDINATION
26	CENTER, INC., a Delaware corporation,	
27	Defendants.	
28		

1 TO THE CHAIR OF THE JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA  
2 AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD IN THE INCLUDED  
3 ACTIONS:

4 1. Keith Edwards, Madeleine Chen, Marcial Castaneda, Daniel Foster, Dieisha  
5 Hodges, Craig Larsen, Claudia Ramey, and Jennifer Taylor (collectively, "Plaintiff-Petitioners")  
6 respectfully submit this request to the Chair of the Judicial Council pursuant to California Code of  
7 Civil Procedure section 404 *et seq.*, and California Rule of Court 3.500 *et seq.*, for a determination  
8 that coordination of the above-captioned actions (collectively, "Included Actions") is appropriate.  
9 All Plaintiff-Petitioners agree to this Petition for coordination (hereinafter "the Petition").  
10 Defendants Amazon.com, Inc. and A2Z Development Center, Inc. (collectively, "Amazon") have  
11 represented that coordination is proper, but have not indicated which court should handle the  
12 coordinated proceeding.<sup>1</sup>

13 2. Pursuant to California Rules of Court 3.521(a), Exhibit 1 to the Declaration of  
14 Joseph C. Sarles in support of the Petition lists the Included Actions Plaintiff-Petitioners are  
15 seeking to coordinate, together with the names and addresses of their respective counsel, title and  
16 case number, date of filing, title of the court in which the action is pending, and the status of each  
17 pending action to the extent known.

18 3. This request is made on the grounds set forth in Code of Civil Procedure section  
19 404.1, as more particularly described in the supporting papers filed herewith. The Included  
20 Actions are complex,<sup>2</sup> and one judge hearing all of the actions for all purposes in one court will  
21 promote the ends of justice, taking into account common questions of fact or law predominating  
22 and significant to the litigation; the convenience of parties, witnesses, and counsel; the relative  
23 development of the actions and the work product of counsel; the efficient utilization of judicial  
24

---

25 <sup>1</sup> On October 28, 2019, counsel for Plaintiff-Petitioners and counsel for Amazon held a  
26 telephonic meet and confer, during which counsel for Amazon stated they agree that coordination  
27 of the Included Actions is appropriate. Declaration of Joseph C. Sarles ¶ 9.

28 <sup>2</sup> All of the Included Actions have been either determined by the court to be complex or  
provisionally filed as complex. In *Edwards and Chen*, the court issued orders designating the  
cases as complex. Sarles Decl. 7, Exs. 9-10.

1 facilities and manpower; the calendar of the courts; the disadvantages of duplicative and  
2 inconsistent rulings, orders, or judgments; and the likelihood of settlement of the actions without  
3 further litigation should coordination be denied.

4 4. Plaintiff-Petitioners are all California residents who allege that Amazon violated  
5 their right to privacy pursuant to the California Invasion of Privacy Act, California Penal Code  
6 section 632, by designing Alexa-enabled devices to record and permanently store their audio  
7 communications, without Plaintiff-Petitioners' consent. *See* Sarles Decl. ¶ 4, Exs. 2-8  
8 (complaints).

9 5. The Included Actions were recently filed and all are at the initial pleading stage.  
10 No trial dates have been set. Six of the Included Actions are pending in Alameda County (each  
11 filed by a Plaintiff who resides in Alameda County), and one is pending in Los Angeles County.  
12 Pursuant to Code of Civil Procedure sections 404 and 404.3, and California Rules of Court 3.521  
13 and 3.540, Plaintiff-Petitioners therefore request that any hearing on the Petition and the  
14 coordinated proceedings be assigned to the Alameda County Superior Court, where venue is  
15 appropriate and proper.

16 6. If no party to the Included Actions submits a written opposition to the Petition  
17 within the time allowed by California Rule of Court 3.525, then Plaintiff-Petitioners request that  
18 the Petition be granted without a hearing. If written opposition is submitted within the time  
19 allowed, then Plaintiff-Petitioners request that the hearing on the Petition be conducted in the  
20 Alameda County Superior Court.

21 7. A Notice of Submission of Petition and a copy of the Petition will be filed in each  
22 Included Action and the notice and proof of the filings and proofs of service will be submitted to  
23 the Chair of the Judicial Council within five court days of submitting the Petition.

24 8. The Petition is based on the Memorandum of Points and Authorities, the  
25 Declaration of Joseph Sarles, and on any other materials that may be presented at any hearing on  
26 the Petition.



1 For all these reasons, Plaintiff-Petitioners respectfully request that the Chair of the Judicial  
2 Council assign a coordination motion judge to consider coordination of the Included Actions in a  
3 proceeding entitled "In re Alexa Litigation."

4  
5  
6 DATED: October 30, 2019

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

7  
8  
9 By 

10 Joseph C. Sarles  
11 Sean Taheri  
12 Patrick T. Burns  
13 QUINN EMANUEL URQUHART &  
14 SULLIVAN, LLP

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
*Attorneys for Plaintiff-Petitioners*

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Joseph C. Sarles (Bar No. 254750)

3 josephsarles@quinnemanuel.com

4 Sean Taheri (Bar No. 293912)

5 seantaheri@quinnemanuel.com

6 865 South Figueroa Street, 10th Floor

7 Los Angeles, California 90017-2543

8 Telephone: (213) 443-3000

9 Facsimile: (213) 443-3100

10 Patrick T. Burns (Bar No. 300219)

11 patrickburns@quinnemanuel.com

12 50 California St., 22nd Floor

13 San Francisco, California 94111-4788

14 Telephone: (415) 875-6600

15 Facsimile: (415) 875-6700

16 Attorneys for Plaintiff-Petitioners

17 CHAIR OF THE JUDICIAL COUNCIL

18 OF THE STATE OF CALIFORNIA

19 KEITH EDWARDS,

20 Plaintiff,

21 vs.

22 AMAZON.COM, INC., a Delaware  
23 corporation, and A2Z DEVELOPMENT  
24 CENTER, INC., a Delaware corporation,

25 Defendants.

26 MADELEINE CHEN and MARCIAL  
27 CASTANEDA,

28 Plaintiff,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and A2Z DEVELOPMENT  
CENTER, INC., a Delaware corporation,

Defendants.

RECEIVED  
Judicial Council of California

OCT 30 2019

*Suma L. Chis*  
Coordination Attorney

JCP 5069

Alameda County Superior Court  
Case No. RG19035444

Los Angeles County Superior Court  
Case No. 19STCV33082

1	DANIEL FOSTER,	Alameda County Superior Court
2	Plaintiff,	Case No. RG19037134
3	vs.	
4	AMAZON.COM, INC., a Delaware	
5	corporation, and A2Z DEVELOPMENT	
6	CENTER, INC., a Delaware corporation,	
7	Defendants.	
8	DIEISHA HODGES,	Alameda County Superior Court
9	Plaintiff,	Case No. RG19037138
10	vs.	
11	AMAZON.COM, INC., a Delaware	
12	corporation, and A2Z DEVELOPMENT	
13	CENTER, INC., a Delaware corporation,	
14	Defendants.	
15	CRAIG LARSEN,	Alameda County Superior Court
16	Plaintiff,	Case No. RG19039490
17	vs.	
18	AMAZON.COM, INC., a Delaware	
19	corporation, and A2Z DEVELOPMENT	
20	CENTER, INC., a Delaware corporation,	
21	Defendants.	
22	CLAUDIA RAMEY,	Alameda County Superior Court
23	Plaintiff,	Case No. RG19039506
24	vs.	
25	AMAZON.COM, INC., a Delaware	
26	corporation, and A2Z DEVELOPMENT	
27	CENTER, INC., a Delaware corporation,	
28	Defendants.	
	JENNIFER TAYLOR,	Alameda County Superior Court
	Plaintiff,	Case No. RG19039498
	vs.	
	AMAZON.COM, INC., a Delaware	
	corporation, and A2Z DEVELOPMENT	
	CENTER, INC., a Delaware corporation,	
	Defendants.	

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PETITION FOR COORDINATION**

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

**TABLE OF CONTENTS**

**Page**

I. INTRODUCTION .....1

II. NATURE OF THE INCLUDED ACTIONS .....2

III. LEGAL ARGUMENT .....3

    A. The Included Actions are Each Complex Under California Law. ....4

        1. Each Included Action may require numerous pretrial motions raising  
            novel and difficult legal questions. ....5

        2. Each Included Action will require numerous witnesses and  
            management of substantial documentary evidence. ....6

        3. The Included Actions will require coordination with related actions  
            pending in one or more courts in other counties. ....7

        4. There may be a large number of separately represented parties. ....7

        5. The cases may require substantial post-judgment judicial  
            supervision. ....8

    B. The Requirements for Coordination in California Code of Civil Procedure  
        Section 404.1 are Met.....8

        1. Significant common questions of law and fact predominate. ....8

        2. Coordination is an efficient use of judicial resources and will  
            advance the convenience of the parties, witnesses and counsel .....9

        3. The Included Actions are at an appropriate stage for coordination. ....9

        4. Coordination will unburden the calendars of the courts. ....10

        5. There is great danger of duplicative and inconsistent rulings if  
            coordination is denied. ....10

    C. These Actions Should be Coordinated in the Alameda Superior Court.....10

IV. CONCLUSION .....11

## TABLE OF AUTHORITIES

		<u>Page(s)</u>
3	<b>Cases</b>	
4	<i>Adamsky, et al. v. Amazon.com, Inc., et al.</i> , Case No. 2:19-cv-01214-JCC .....	3
5	<i>Ford Motor Warranty Cases</i> , 11 Cal. App. 5th 626, 641, 218 Cal. Rptr. 3d 185 (Ct. App. 2017), reh'g denied (May 25, 2017).....	3, 7
7	<i>Hall-O'Neil, et al. v. Amazon.com, Inc., et al.</i> , Case No. 2:19-cv-00910.....	2, 5, 7
8	<i>McGhan Med. Corp. v. Superior Court</i> , 11 Cal. App. 4th 804 (1992) .....	10
9	<i>R.A. v. Amazon.com, Inc., et al.</i> , Case No. 19STCV20205 .....	3
10	<i>Thayer v. Wells Fargo Bank</i> , 92 Cal. App. 4th 819 (2001).....	4
11	<i>Tice, et al. v. Amazon.com, Inc., et al.</i> , Case No. 5:19-cv-01311 .....	3, 5
12	<i>Wilcosky, et al. v. Amazon.com, Inc., et al.</i> , Case No. 2019 CH 07777.....	3
13		
14		
15	<b>Statutes</b>	
16	Cal. Civ. Proc. Code § 404.....	1, 3
17	Cal. Civ. Proc. Code § 404.1 .....	3, 4, 8
18	Cal. Penal Code § 632 .....	1, 2
19	Cal. Rule Ct. 3.400 .....	1, 3
20	Cal. Rule Ct. 3.400(b) .....	4
21	Cal. Rule Ct. 3.521(a).....	9
22		
23	<b>Miscellaneous</b>	
24	2018 Court Statistics Report, Statewide Caseload Trends, available at <a href="https://www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf">https://www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf</a> (last visited October 30, 2019) .....	9
25	Coordination Proceeding Special Title (Rule 3.550), No. CJC170004955, 2018 WL 491364 (Cal. Super. Jan. 4, 2018) .....	10
26		
27		
28		

1 **I. INTRODUCTION**

2 Keith Edwards, Madeleine Chen, Marcial Castaneda, Daniel Foster, Dieisha Hodges, Craig  
3 Larsen, Claudia Ramey, and Jennifer Taylor (collectively, "Plaintiff-Petitioners") bring this  
4 Petition seeking coordination of seven actions (collectively, "Included Actions") pending in the  
5 Superior Courts for the Counties of Alameda and Los Angeles. The actions arise from  
6 substantially similar facts and involve similar issues of law. In each of the Included Actions,  
7 Plaintiff-Petitioners allege that Defendants Amazon.com, Inc. and A2Z Development Center, Inc.  
8 (collectively, "Amazon") made unauthorized recordings of Plaintiff-Petitioners' communications  
9 with Alexa-enabled devices, thereby violating the California Invasion of Privacy Act, California  
10 Penal Code Section 632. In addition to the Included Actions, there are numerous cases asserting  
11 similar claims, including putative class actions, pending in multiple federal courts (in California  
12 and elsewhere), as to which coordination would benefit all parties and the Courts. Accordingly,  
13 coordination of the Included Actions is proper because they are "complex" within the meaning of  
14 California Rule of Court 3.400<sup>1</sup> and satisfy the criteria for coordination set forth in the Code of  
15 Civil Procedure Section 404. Defendants agree coordination is proper.<sup>2</sup>

16 Plaintiff-Petitioners request the Superior Court for the County of Alameda as the venue for  
17 the coordinated actions. Six of the seven Included Actions are currently pending there; the majority  
18 of Plaintiff-Petitioners reside in Alameda County; Defendant A2Z Development Center, Inc. is  
19 located near Alameda County; and that location is convenient to the parties, witnesses, and counsel.  
20 Alameda County Superior Court also has a robust Complex Litigation department with significant  
21 experience managing complex, multi-party cases. Accordingly, the Alameda Superior Court is the  
22 most appropriate to manage a coordinated proceeding of this nature.<sup>3</sup>

23  
24 <sup>1</sup> All of the Included Actions have been either determined by the court to be complex or have  
25 been designated as complex by Plaintiff-Petitioners. In *Edwards* and *Chen*, the courts issued  
26 orders designating the cases as complex. Declaration of Joseph C. Sarles ¶ 7, Exs. 9-10.

27 <sup>2</sup> On October 28, 2019, counsel for Plaintiff-Petitioners and counsel for Amazon held a  
28 telephonic meet and confer, during which counsel for Amazon stated they agree that coordination  
of the Included Actions is appropriate. Sarles Decl. ¶ 9.

<sup>3</sup> Alameda Superior Court has also been less congested with JCCP proceedings in recent  
years compared to Los Angeles Superior Court. For example, for the years 2017 through 2019,  
the JCCP Log lists Los Angeles as the county designated for coordination proceeding 23 times,

## 1 II. NATURE OF THE INCLUDED ACTIONS

2 Plaintiff-Petitioners in each Included Action are California residents who allege that  
3 Amazon designed its “Alexa” or “Echo” products to record and permanently store audio  
4 communications from *any* person following the use of a “wake word” (e.g., “Alexa” or “Echo”).  
5 *See, e.g.*, Sarles Decl. ¶ 4, Ex. 2 (Edwards Compl.) ¶ 22. An Alexa device will respond to anyone  
6 who utters the wake word—regardless of whether that person has registered the device or installed  
7 the Alexa app—and then listen to, record, and permanently store the subsequent communications  
8 without obtaining consent for the recording. *Id.* ¶¶ 37-39. Amazon designed these products to  
9 make these recordings and then transmit them to cloud-based servers for interpretation, processing,  
10 and storage. *Id.* ¶¶ 22-24. Amazon then indefinitely stores a copy of the recording on its servers  
11 for later use and analysis. *Id.* ¶ 23. Plaintiff-Petitioners did not consent to Amazon’s recording  
12 and storage of their voices, and were not aware that by using the Alexa devices, Amazon would  
13 record and store their voices. *Id.* ¶¶ 38, 40. Plaintiff-Petitioners expected that when they used the  
14 Alexa devices, their communications with the device would be confidential. *Id.* ¶ 41. As a result,  
15 Plaintiff-Petitioners allege that Amazon has violated the California Invasion of Privacy Act,  
16 California Penal Code Section 632. *Id.* ¶¶ 43-53. These allegations are common to all of the  
17 complaints that have been filed in the Included Actions. *See* Sarles Decl. ¶ 4, Exs. 2-8.

18 In addition to the Included Actions, there are five cases currently pending in various federal  
19 courts with similar legal claims based on Amazon’s illegal recording of plaintiffs’ communications  
20 with their Alexa devices:

- 21 • On June 11, 2019, C.O., a minor, brought a class action against Amazon in the United  
22 States District Court for the Western District of Washington, asserting statutory  
23 violations under the laws of eight states. (*Hall-O’Neil, et al. v. Amazon.com, Inc., et al.*,  
24 Case No. 2:19-cv-00910.)

25  
26  
27 and lists Alameda just 5 times. *See* Judicial Council of California Civil Case Coordination  
28 Proceeding (JCCP) Log, [https://www.courts.ca.gov/documents/CivilCaseCoord\\_2012toPresent\\_JCCPLog.pdf](https://www.courts.ca.gov/documents/CivilCaseCoord_2012toPresent_JCCPLog.pdf) (last visited October 30, 2019).

- On June 11, 2019, R.A., a minor, brought a class action against Amazon in Los Angeles County Superior Court, asserting violations of California's Invasion of Privacy Act. (*R.A. v. Amazon.com, Inc., et al.*, Case No. 19STCV20205.) Defendants removed the R.A. action to the United States District Court for the Central District of California, and litigation (including an appeal of the court's denial of remand) is ongoing.<sup>4</sup> (Case No. 2:19-cv-06454-CJC-AGR.)
- On June 28, 2019, a group of adults and a minor brought a class action against Amazon in the Circuit Court of Cook County, Illinois, asserting violations of Illinois's Biometric Information Privacy Act. (*Wilcosky, et al. v. Amazon.com, Inc., et al.*, Case No. 2019 CH 07777.) Defendants removed the *Wilcosky* action to the United States District Court for the Northern District of Illinois, and litigation is ongoing. (Case No. 1:19-cv-05061).
- On July 17, 2019, plaintiff Hayley Charmaine Tice, an adult, brought a class action against Amazon in the United States District Court for the Central District of California. (*Tice, et al. v. Amazon.com, Inc., et al.*, Case No. 5:19-cv-01311.)
- On August 2, 2019, a number of minors brought a class action against Amazon in the United States District Court for the Western District of Washington, on behalf of minors in all fifty states, asserting federal wiretapping laws, intrusion upon seclusion, violations of certain state consumer protection statutes, and violations of certain state privacy laws. (*Adamsky, et al. v. Amazon.com, Inc., et al.*, Case No. 2:19-cv-01214-JCC.)

### III. LEGAL ARGUMENT

Coordination is proper where (1) the cases to be coordinated are all complex, as defined by California Rule of Court 3.400; and (2) the requirements for coordination in California Code of Civil Procedure Section 404.1 are met. Cal. Civ. Proc. Code § 404 ("A petition for coordination . . . shall be supported by a declaration stating facts showing that the actions are complex, as defined by the Judicial Council and that the actions meet the standards specified in Section 404.1.").

<sup>4</sup> *R.A. v. Amazon.com, Inc. et al.* has been removed to the Central District of California. Therefore, Plaintiff-Petitioners do not currently seek to coordinate R.A. with the Included Actions.



1 Code of Civil Procedure Section 404.1 provides that coordination of civil actions sharing a  
2 common question of fact or law is proper if coordination will "promote the ends of justice" based  
3 on the following factors: "whether the common question of fact or law is predominating and  
4 significant to the litigation; the convenience of parties, witnesses, and counsel; the relative  
5 development of the actions and the work product of counsel; the efficient utilization of judicial  
6 facilities and manpower; the calendar of the courts; the disadvantages of duplicative and  
7 inconsistent rulings, orders, or judgments; and, the likelihood of settlement of the actions without  
8 further litigation should coordination be denied." Cal. Civ. Proc. Code § 404.1. Here, the  
9 Included Actions should be coordinated because they meet these criteria.

10 **A. The Included Actions are Each Complex Under California Law.**

11 Two of the Included Actions—*Edwards* and *Chen*—have already been determined to be  
12 complex. Sarles Decl., Exs. 9-10. Hearings on complex determinations in *Foster*, *Hodges*,  
13 *Taylor*, *Larsen*, and *Ramey* are scheduled in the coming weeks, and will be determined by the  
14 same department of the Alameda County Superior Court that determined *Edwards* to be complex.  
15 For the same reasons the courts in the *Edwards* and *Chen* actions ruled those actions to be  
16 complex, the Judicial Council should find all the Included Actions complex.

17 California Rule of Court 3.400(b) sets forth the following criteria for determining whether  
18 a case is complex:

19 Courts shall consider whether the action is likely to involve (1)  
20 numerous pretrial motions raising difficult or novel legal issues that  
21 will be time-consuming to resolve; (2) management of a large  
22 number of witnesses or a substantial amount of documentary  
23 evidence; (3) management of a large number of separately  
24 represented parties; (4) coordination with related actions pending in  
25 one or more courts in other counties, states or countries, or in a  
26 federal court; or (5) substantial post-judgment judicial supervision.

24 The requirements of Rule 3.400(b) are disjunctive, and a case may be considered complex  
25 if it satisfies only one of the listed criteria. See *Thayer v. Wells Fargo Bank*, 92 Cal. App. 4th 819,  
26 835 (2001) (determining that although cases did not involve difficult legal or factual questions,  
27 they were "complex" because of the large number of represented parties in multiple related  
28 actions). "[T]he determination whether cases are complex [is] a determination for the

1 coordination motion judge.” *Ford Motor Warranty Cases*, 11 Cal. App. 5th 626, 641, 218 Cal.  
2 Rptr. 3d 185, 195 (Ct. App. 2017), *reh’g denied* (May 25, 2017).

3           **1. Each Included Action may require numerous pretrial motions raising**  
4           **novel and difficult legal questions.**

5           There are likely to be numerous pretrial motions given the breadth of Amazon’s conduct and  
6 its impact, the significant and widespread damages, and Amazon’s considerable resources. Amazon  
7 has already indicated that it intends to move to compel arbitration and dismiss in each of the Included  
8 Actions, as it has uniformly done in the class actions filed to date.<sup>5</sup> This will raise several complex  
9 issues including (1) whether Plaintiff-Petitioners entered into a binding arbitration agreement with  
10 Amazon; (2) whether Plaintiff-Petitioners consented to arbitration; (3) whether the arbitration  
11 agreement is enforceable, *i.e.*, whether the clause compelling arbitration is unconscionable; and (4)  
12 whether the arbitration agreement disposes of and dismisses the Included Actions.<sup>6</sup>

13           Amazon has taken the position that it does not need to respond to any discovery that  
14 Plaintiff-Petitioners may serve pending motions to compel arbitration, as Amazon has done in the  
15 *Hall-O’Neil* action, which prompted the plaintiffs there to file a motion to compel discovery  
16 responses. (Case No. 2:19-cv-00910, ECF No. 70.) That court has had two discovery motions to  
17 resolve within months of the filing of the action, and the same could be true for the Included  
18 Actions. And although Plaintiff-Petitioners intend to work in good faith to resolve potential  
19 discovery disputes, it is likely that the courts will be asked to resolve similar discovery disputes.

20           Merits issues will likely be as contentious as procedural and arbitration issues, and even  
21 more complex. As the case proceeds, Amazon will likely move for summary judgment, which  
22 will implicate many significant aspects of the large number of witnesses and documentary  
23

24           <sup>5</sup> See *Hall-O’Neil, et al. v. Amazon.com, Inc., et al.*, Case No. 2:19-cv-00910, ECF No. 55;  
25 *Tice, et al. v. Amazon.com, Inc., et al.*, Case No. 5:19-cv-01311, ECF Nos. 43-46.

26           <sup>6</sup> The motions to compel arbitration are themselves complex and involve far more than mere  
27 contract interpretation because Amazon takes the novel position that *anyone* who communicates to  
28 an Alexa device is bound by an arbitration agreement, independent of whether they agreed to any  
contract or terms of service. See, e.g., *Hall-O’Neil, supra*, Case No. 2:19-cv-00910, ECF Nos. 55-  
57 (Amazon’s motion in the *Hall-O’Neil* action alone consists of over 198 pages of briefing and  
supporting evidence). Defendants’ motion to compel arbitration in the *Tice* action is similar. Case  
No. 5:19-cv-01311, ECF Nos. 43-46.

1 evidence. And that substantial evidentiary record will be necessary to resolve complex legal and  
2 factual issues, including issues relating to the functionality of complex voice-recognition software,  
3 expectations of privacy, and the existence and scope of any consent to recording of  
4 communications.

5           **2. Each Included Action will require numerous witnesses and**  
6           **management of substantial documentary evidence.**

7           The Included Actions will each involve a substantial amount of documentary evidence and  
8 the management of numerous witnesses during both the trial and the discovery stage of the  
9 proceedings. The claims at issue in the Included Actions will require a complex investigation of  
10 Alexa devices, how they were developed, the manner in which they are designed and operated by  
11 Amazon to record and store users' communications, and the methods by which Amazon uses and  
12 transmits the recorded communications to its cloud-based servers for later use and analysis. These  
13 cases will therefore involve a highly technical "dive" into the operation of Amazon's Alexa  
14 products. Plaintiff-Petitioners intend to serve substantial discovery on Amazon to investigate  
15 Amazon's transcription, transmission, storage, and analysis of recordings of the Alexa device  
16 interactions. This will certainly result in reviewing a large volume of documents, many of which  
17 will be highly technical, and will likely require expert testimony to help the jury understand the  
18 technical nature of the documents. The documentary evidence in this case is thus "complex" due  
19 to the quantity and nature of it, which will require extensive case management.

20           In addition to a large volume of documents, it is likely that the case will also involve a high  
21 number of witnesses due to the technical nature of the information sought and due to Amazon  
22 being one of the largest companies in the world, potentially employing hundreds of people who  
23 may have knowledge of the alleged facts. There will be important witnesses employed by both  
24 Defendants, and Plaintiff-Petitioners expect that many witnesses will be noticed for depositions,  
25 including, *e.g.*, the developers of the Alexa software, the developers of the Alexa and device  
26 hardware, employees who perform analysis, and the custodians of the recordings.

1                   **3. The Included Actions will require coordination with related actions**  
2                   **pending in one or more courts in other counties.**

3           Coordination is appropriate for related cases pending in one or more courts in other  
4 counties. *See In re Ford Motor Warranty Cases*, 11 Cal. App. 5th 626 (2017) (discussing  
5 coordination of actions pending in nine counties because of significant common pre-trial issues  
6 and need for judicial economy). Eight Plaintiffs filed the Included Actions in two separate  
7 California counties. Additionally, there are already five similar actions pending in state and  
8 federal courts. *Supra* Section II. Plaintiff-Petitioners expect that many more related actions will  
9 be filed in multiple courts.

10           In all of these cases, there will be a substantial amount of overlap of discovery because all  
11 related actions will involve an investigation into the functionality and development of the Alexa  
12 technology. Moreover, California state court actions brought by adults in their individual capacity  
13 (*i.e.*, the Included Actions) will involve similar legal issues. Therefore, the most efficient  
14 resolution of these actions will result from coordinated proceedings. Amazon does not disagree  
15 that the cases should be coordinated. Sarles Decl. ¶ 9.<sup>7</sup>

16                   **4. There may be a large number of separately represented parties.**

17           Amazon has recorded *millions* of individuals in the same way it did Plaintiff-Petitioners.  
18 Although the Included Actions all involve plaintiffs who are represented by the same counsel, it is  
19 likely that many separately represented parties will eventually require coordination with the  
20 Included Actions. For example, after the *Hall-O'Neil* and *R.A.* class actions were filed, different  
21 counsel filed claims on behalf of adults and others similarly situated in the *Tice* action. (*See Case*  
22 *No. 5:19-cv-01311*(C.D. Cal.), ECF No. 1.) Likewise, Plaintiff-Petitioners expect that several  
23 other separately represented plaintiffs may file related suits against Amazon in California state  
24  
25

26           <sup>7</sup> As discussed above, Amazon represented on a meet and confer that it agreed that the  
27 Included Actions should be coordinated. Sarles Decl. ¶ 9. Amazon also discussed the need for  
28 coordinating proceedings in one of its filings in the federal *Hall-O'Neil* action and stated that it  
agrees with Plaintiffs' position on the need for coordinated proceedings. *Case No. 2:19-cv-910-RAJ-MLP*, ECF No. 73 at 11.

1 courts. Therefore, the Alexa actions will involve the management of many different parties, many  
2 of whom may be separately represented, warranting a "complex" designation here.

3 **5. The cases may require substantial post-judgment judicial supervision.**

4 Finally, although the Plaintiff-Petitioners do not expressly seek injunctive relief in the  
5 Included Actions, other related actions may do so. Moreover, the complaints in the Included  
6 Actions seek "other and further relief as the Court deems reasonable and just" (*see, e.g.,* Sarles  
7 Decl., Ex. 3 (Chen Compl.) at p. 9), which may require post-judgment judicial supervision  
8 depending on what the Court may order after rendering a judgment.

9 **B. The Requirements for Coordination in California Code of Civil Procedure**  
10 **Section 404.1 are Met.**

11 Code of Civil Procedure § 404.1 sets forth the following criteria for coordination:

12 Coordination of civil actions sharing a common question of fact or  
13 law is appropriate if one judge hearing all of the actions for all  
14 purposes in a selected site or sites will promote the ends of justice  
15 taking into account whether the common question of fact or law is  
16 predominating and significant to the litigation; the convenience of  
17 parties, witnesses, and counsel; the relative development of the  
actions and the work product of counsel; the efficient utilization of  
judicial facilities and manpower; the calendar of the courts; the  
disadvantages of duplicative and inconsistent rulings, orders, or  
judgments; and, the likelihood of settlement of the actions without  
further litigation should coordination be denied.

18 The criteria of section 404.1 are met, as discussed more fully below. Each of the Included  
19 Actions identified in **Exhibit 1** arises from the same set of core factual allegations and seeks  
20 substantially the same relief.

21 **1. Significant common questions of law and fact predominate.**

22 The Included Actions share numerous common questions of law and fact. All arise from the  
23 same statutory claim that Amazon violated Plaintiff-Petitioners' privacy rights by designing Alexa-  
24 enabled devices such that they recorded and permanently stored Plaintiff-Petitioners'  
25 communications without their consent. Amazon is expected to raise similar arbitration arguments  
26 in each of the Included Actions as well. The factual issues of Amazon's liability are also similar in  
27 every case because all of the Included Actions will involve an investigation into the development  
28 and functioning of the Alexa technology. As a result of these substantial similarities, law and motion

1 practice is likely to be parallel, discovery against Amazon and related witnesses will be substantially  
2 the same, and substantially the same issues will predominate at trial.

3                   **2. Coordination is an efficient use of judicial resources and will advance**  
4                   **the convenience of the parties, witnesses and counsel.**

5           Coordination will promote the efficient use of judicial resources and the convenience of all  
6 counsel by preventing the duplication of effort and the costly serial adjudication of substantially  
7 similar motions. As noted above, there is little doubt these cases will involve significant pre-trial  
8 motions including motions to compel arbitration, demurrers, discovery motions, and motions for  
9 summary judgment; and there is similarly little doubt that the factual and legal issues for these issues  
10 will be substantially similar. The resources of multiple judicial chambers will be taxed needlessly  
11 by duplication of the same motions and hearings.

12           Coordination will also advance the convenience of the parties and witnesses to the actions.  
13 The majority of the Plaintiff-Petitioners filed suit and reside in Alameda County, which is the  
14 most convenient venue for them. Furthermore, each Included Action will involve numerous  
15 witnesses, including Amazon employees, and potentially expert witnesses. As the complaints  
16 contain similar factual allegations regarding liability, many of the same witnesses will overlap.  
17 This could result in inconvenience to witnesses who are compelled to be deposed on the same  
18 facts in each Included Action. The result would be an unnecessary cost and waste of resources for  
19 all involved.

20                   **3. The Included Actions are at an appropriate stage for coordination.**

21           A petition for coordination "may be made at any time after filing of the complaint." Cal.  
22 Rule Ct. 3.521(a). Coordination is particularly appropriate now because each of the Included  
23 Actions was filed within the past two months. No formal discovery or motion practice has yet  
24 taken place in any of them, but the need for coordination is already apparent and will only increase  
25 as the cases develop. No party will be prejudiced by coordination. No party will benefit from any  
26 delay in coordination; in fact, delay will result only in duplicative efforts and rulings, wasting the  
27 resources of the courts, counsel, and the parties.

1                   **4. Coordination will unburden the calendars of the courts.**

2           Allowing multiple similar actions to proceed in separate California courts is a needless  
3 burden on the judicial resources of the State. Allowing coordination of the Included Actions, as  
4 well as any future add-on actions, will unburden the calendar of courts in some of California's  
5 most congested jurisdictions, including Los Angeles County.<sup>8</sup>

6                   **5. There is great danger of duplicative and inconsistent rulings if**  
7                   **coordination is denied.**

8           Because the Included Actions involve many similar factual and legal issues, there is a  
9 significant danger of duplicative or inconsistent rulings if the cases are not coordinated. Common  
10 issues likely to arise include whether Plaintiff-Petitioners are bound to arbitrate their claims,  
11 whether Plaintiff-Petitioners consented to Amazon's recording and storing of their audio  
12 communications, and whether Amazon unlawfully violated Plaintiff-Petitioners' right to privacy  
13 by recording and permanently storing their audio communications. These motions should be  
14 resolved in one court and should be subject to review in one Court of Appeal in order to avoid the  
15 danger of duplicative and inconsistent rulings. *See McGhan Med. Corp. v. Superior Court*, 11  
16 Cal. App. 4th 804, 814 (1992) ("Trial rulings should be accomplished in a manner permitting  
17 uniform and centralized resolution on appeal."). Coordination of the Included Actions will  
18 achieve this end.

19           **C. These Actions Should be Coordinated in the Alameda Superior Court.**

20           Every applicable factor weighs in favor of coordination in Alameda County. First, six of  
21 the seven Included Actions are already pending in Alameda County, filed by Plaintiffs who reside  
22 there. This demonstrates that a majority of the Plaintiff-Petitioners consider Alameda to be the  
23 most convenient forum. Second, the Alameda County Superior Court has a robust Complex  
24 Litigation department with significant experience managing complex, multi-party cases and is  
25

26           <sup>8</sup> For example, Los Angeles Superior Court handled 1,576,509 dispositions and 1,533,378  
27 filings in fiscal year 2016-2017. *See* 2018 Court Statistics Report, Statewide Caseload Trends,  
28 *available at* <https://www.courts.ca.gov/documents/2018-Court-Statistics-Report.pdf> (last visited  
October 30, 2019). In the same period, it disposed of 48% of general unlimited civil cases in less  
than 12 months, compared to Alameda Superior Court's 71%. *Id.*

1 highly qualified, with the administrative structure in place, to bring this litigation to an efficient  
2 resolution. Third, the Alameda Superior Court is very close—approximately 40 miles away—to  
3 the headquarters of defendant a2z Development, Inc. in Sunnyvale, California, and closer in  
4 proximity to defendant Amazon.com, Inc.'s headquarters in Seattle than is Los Angeles County.  
5 *See, e.g.,* Coordination Proceeding Special Title (Rule 3.550), No. CJC170004955, 2018 WL  
6 491364, at \*4 (Cal. Super. Jan. 4, 2018) (coordinating proceedings in San Francisco County in  
7 part because it is “the most accessible option”).

8 **IV. CONCLUSION**

9 For the foregoing reasons, Plaintiff-Petitioners respectfully request:


- 10 (a) that the Judicial Council appoint a coordination motion judge to determine whether  
11 the Included Actions should be coordinated;  
12 (b) that the coordination motion judge issue an order coordinating the Included  
13 Actions;  
14 (c) that the Included Actions be coordinated in Alameda County Superior Court; and  
15 (d) that any hearing on this motion take place in Alameda County Superior Court.

16  
17  
18 DATED: October 30, 2019

Respectfully submitted,

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

19  
20  
21 By

  
\_\_\_\_\_  
Joseph C. Sarles  
Sean Taheri  
Patrick T. Burns  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

22  
23  
24  
25 *Attorneys for Plaintiff-Petitioners*  
26  
27  
28



1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Joseph C. Sarles (Bar No. 254750)

3 josephsarles@quinnemanuel.com

4 Sean Taheri (Bar No. 293912)

5 seantaheri@quinnemanuel.com

6 865 South Figueroa Street, 10th Floor

7 Los Angeles, California 90017-2543

8 Telephone: (213) 443-3000

9 Facsimile: (213) 443-3100

10 Patrick T. Burns (Bar No. 300219)

11 patrickburns@quinnemanuel.com

12 50 California St., 22nd Floor

13 San Francisco, California 94111-4788

14 Telephone: (415) 875-6600

15 Facsimile: (415) 875-6700

16 Attorneys for Plaintiffs-Petitioners

17 CHAIR OF THE JUDICIAL COUNCIL

18 OF THE STATE OF CALIFORNIA

19 KEITH EDWARDS,

20 Plaintiff,

21 vs.

22 AMAZON.COM, INC., a Delaware  
23 corporation, and A2Z DEVELOPMENT  
24 CENTER, INC., a Delaware corporation,

25 Defendants.

26 MADELEINE CHEN and MARCIAL  
27 CASTANEDA,

28 Plaintiff,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and A2Z DEVELOPMENT  
CENTER, INC., a Delaware corporation,

Defendants.

RECEIVED  
Judicial Council of California

OCT 30 2019

*James Lee*  
Coordination Attorney

JCP 5069

Alameda County Superior Court  
Case No. RG19035444

Los Angeles County Superior Court  
Case No. 19STCV33082

1	DANIEL FOSTER,	Alameda County Superior Court
2	Plaintiff,	Case No. RG19037134
3	vs.	
4	AMAZON.COM, INC., a Delaware	
5	corporation, and A2Z DEVELOPMENT	
6	CENTER, INC., a Delaware corporation,	
6	<u>Defendants.</u>	
7	DIEISHA HODGES,	Alameda County Superior Court
8	Plaintiff,	Case No. RG19037138
9	vs.	
10	AMAZON.COM, INC., a Delaware	
11	corporation, and A2Z DEVELOPMENT	
11	CENTER, INC., a Delaware corporation,	
12	<u>Defendants.</u>	
12	CRAIG LARSEN,	Alameda County Superior Court
13	Plaintiff,	Case No. RG19039490
14	vs.	
15	AMAZON.COM, INC., a Delaware	
16	corporation, and A2Z DEVELOPMENT	
17	CENTER, INC., a Delaware corporation,	
17	<u>Defendants.</u>	
18	CLAUDIA RAMEY,	Alameda County Superior Court
19	Plaintiff,	Case No. RG19039506
20	vs.	
21	AMAZON.COM, INC., a Delaware	
22	corporation, and A2Z DEVELOPMENT	
22	CENTER, INC., a Delaware corporation,	
23	<u>Defendants.</u>	
23	JENNIFER TAYLOR,	Alameda County Superior Court
24	Plaintiff,	Case No. RG19039498
25	vs.	DECLARATION OF JOSEPH C. SARLES
26	AMAZON.COM, INC., a Delaware	IN SUPPORT OF PETITION FOR
27	corporation, and A2Z DEVELOPMENT	COORDINATION
28	CENTER, INC., a Delaware corporation,	
28	<u>Defendants.</u>	

1 I, JOSEPH C. SARLES, declare:

2 1. I am a partner at the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, counsel  
3 for Keith Edwards, Madeleine Chen, Marcial Castaneda, Daniel Foster, Dieisha Hodges, Craig  
4 Larsen, Claudia Ramey, and Jennifer Taylor (collectively, "Plaintiff-Petitioners") in the seven  
5 above-captioned actions (collectively "Included Actions"). I am duly licensed to practice law in all  
6 courts of the State of California. I have personal knowledge of the matters set forth herein, and if  
7 called upon to testify, would be competent to do so.

8 2. This Petition for coordination (hereinafter, "the Petition") is brought for the purpose  
9 of seeking coordination of seven actions that arise from substantially similar facts and involve  
10 similar issues of law. In particular, Plaintiff-Petitioners seek to coordinate the Included Actions, six  
11 of which are pending in Alameda County Superior Court, and one of which is pending in Los  
12 Angeles Superior Court.

13 3. The Included Actions are listed in **Exhibit 1** attached hereto, together with the names  
14 and addresses of their respective counsel, title and case number, date of filing, title of the court in  
15 which the action is pending, and the status of each pending action to the extent known.

16 4. Each of the Included Actions alleges that Defendants Amazon.com, Inc. and A2Z  
17 Development Center, Inc. (collectively, "Amazon") recorded and permanently stored audio  
18 communications, including those of Plaintiff-Petitioners, without consent, thereby violating the  
19 privacy of and causing injury to each Plaintiff-Petitioner in the respective actions. True and correct  
20 copies of the complaints in the Included Actions, which have been served on all parties along with  
21 the summons, are attached hereto as **Exhibits 2-8**.

22 5. Five additional actions based on Amazon's same unauthorized recordings are  
23 pending in federal court, including two in California.<sup>1</sup> Plaintiff-Petitioners are not aware of any  
24 other related actions currently pending in California state courts, but expect that many more such  
25 cases will be filed in the months and years to come.

26 6. All of these cases are complex under California Rule of Court 3.400(b) because they  
27

28 <sup>1</sup> *R.A. v. Amazon.com, Inc. et al.* has been removed to the Central District of California.  
Therefore, Plaintiff-Petitioners do not currently seek to coordinate *R.A.* with the Included Actions.

will likely involve: (1) numerous pretrial motions raising difficult or novel legal issues that will be time-consuming to resolve; (2) management of a large number of witnesses or a substantial amount of documentary evidence; (3) coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court; (4) a large number of separately represented parties; and (5) potential post-judgment judicial supervision.

7. The *Edwards* and *Chen* actions have already been determined by the court to be complex. A true and correct copy of the court's order in *Edwards* determining the action to be complex is attached hereto as Exhibit 9. A true and correct copy of the court's order in *Chen* determining the action to be complex is attached hereto as Exhibit 10. Hearings on complex determinations in *Foster*, *Hodges*, *Taylor*, *Larsen*, and *Ramey* are scheduled in the coming weeks, and will be determined by the same department of the Alameda County Superior Court that determined *Edwards* to be complex.

8. Additionally, the Included Actions meet the standards described in California Code of Civil Procedure section 404.

a. The Included Actions all involve common questions of law and fact that predominate and are significant to the litigation. These common questions of law and fact include, but are not limited to:

- 1) Whether Plaintiff-Petitioners are bound to arbitrate their claims;
- 2) Whether Amazon recorded and permanently stored audio communications made to Alexa-enabled devices;
- 3) Whether Amazon obtained Plaintiff-Petitioners' consent to record and permanently store their audio communications; and
- 4) Amazon's intent with respect to its recording and permanently storing such audio communications, including why it makes such recordings and what it does with them (e.g., human review of recordings).

b. Coordination of the Included Actions will serve the convenience of the parties, witnesses, and counsel because discovery in these overlapping actions is likely to be duplicative if they proceed separately. Coordination of these actions will

prevent repetitive and redundant depositions regarding the same issues by witnesses. In addition, without coordination, duplicative discovery motions, motions for summary judgment, and other matters are likely to arise.

c. All of the Included Actions were filed within the past two months. Therefore, it is unlikely that coordination of these actions will disrupt the progress of any individual action.

d. Coordination of the Included Actions will unburden the calendars of the courts and make efficient use of judicial resources. Allowing multiple similar actions to proceed in separate California courts, with each court deciding nearly identical motions, is a needless burden on the judicial resources of the State.

e. Failure to coordinate these actions creates a risk of inconsistent or duplicative judgments and orders. Without coordination, separate courts will decide essentially the same issues and may render different rulings. Coordination of these actions in a single court would avoid this possibility.

9. Amazon also agrees that these actions should be coordinated. On October 28, 2019, I participated in a telephonic meet and confer with Amazon, during which Amazon's counsel agreed that the Included Actions should be coordinated.

10. For these reasons, the Included Actions should be coordinated in Alameda County, California. To date, six of the seven complaints have been filed in Alameda County.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed this 30th day of October 2019, at Los Angeles, California.



JOSEPH C. SARLES

# Exhibit B

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY M. GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants/Petitioners  
AMAZON.COM, INC. and A2Z  
11 DEVELOPMENT CENTER, INC.

12  
13 JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

14 CHAIR OF THE JUDICIAL COUNCIL

15 KEITH EDWARDS,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

20 Defendants.

Case Nos.:

RG19035444; RG19037134;  
RG19037138; RG19039490;  
RG19039506; RG19039498;  
19STCV33082

**PETITION FOR COORDINATION  
AND MOTION TO STAY**

Pursuant to Code of Civil Procedure §§ 404 and 404.1 and California Rule of Court 3.521, Petitioners Amazon.com, Inc. and A2Z Development Center, Inc. (collectively, "Amazon") (the defendants in each of the actions noted below), hereby request that a coordination motion judge be assigned to determine whether the following matters, pending in the Superior Courts of California in two different counties, should be coordinated:

**Alameda County:**

*Edwards v. Amazon.com, Inc., et al.*, Case No. RG19035444 (filed Sept. 17, 2019);

*Foster v. Amazon.com, Inc., et al.*, Case No. RG19037134 (filed Sept. 30, 2019);

*Hodges v. Amazon.com, Inc., et al.*, Case No. RG19037138 (filed Sept. 30, 2019);

*Larsen v. Amazon.com, Inc., et al.*, Case No. RG19039490 (filed Oct. 15, 2019);

*Ramey v. Amazon.com, Inc., et al.*, Case No. RG19039506 (filed Oct. 15, 2019);

*Taylor v. Amazon.com, Inc., et al.*, Case No. RG19039498 (filed Oct. 15, 2019); and

**Los Angeles County:**

*Chen, et al. v. Amazon.com, Inc., et al.*, Case No. 19STCV33082 (filed Sept. 17, 2019) (altogether the "Actions").<sup>1</sup>

Amazon respectfully requests that the Actions be coordinated and assigned to Judge Winifred Y. Smith in Alameda County Superior Court (before whom the first-filed action in Alameda County is pending) and where the vast majority of the Actions are pending or, in the alternative, to Judge Ann I. Jones in Los Angeles County Superior Court (to whom the Los Angeles County action has been assigned for all further proceedings and for all purposes).

This Petition is brought on the grounds that the Actions present common questions of fact and law and that coordination will promote the ends of justice, as required by California Code of Civil Procedure §§ 404 and 404.1. Pursuant to Code of Civil Procedure § 404.5 and California

<sup>1</sup> Petitioners note that a putative class action originally filed in Superior Court for the County Of Los Angeles, *R.A. v. Amazon.com, Inc., et al.*, Case No. 19STCV20205 (filed June 11, 2019), concerns common questions of fact and law as the Actions sought to be coordinated here. That matter was subsequently removed to the United States District Court for the Central District of California, and on that basis, is not included for coordination herein. Petitioners note, however, that the matter is subject to further proceedings in the Ninth Circuit concerning remand and, in the event the matter is remanded to state court, petitioners would seek to have that action coordinated with the Actions here. In addition, a duplicate of the *Edwards* complaint was assigned a different case number (RG19035450) in error, but Petitioners understand it is being dismissed.



1 Rule of Court 3.515, Amazon also moves for an immediate stay of the Actions in their entirety  
2 pending a decision on this Petition.

3 This Petition For Coordination And Motion To Stay are based upon the accompanying  
4 Memorandum In Support Of Petition For Coordination And Motion To Stay and the Declaration  
5 of Avery L. Brown (and exhibits thereto). If no opposition to this Petition For Coordination And  
6 Motion To Stay is timely submitted, Amazon asks that the Petition For Coordination And Motion  
7 To Stay be granted without a hearing. If a timely opposition is submitted, Amazon requests that  
8 the Court hold a hearing at its earliest convenience. *See* California Rules of Court 3.515, 3.527.

9 Pursuant to California Rule of Court 3.521, Amazon will timely submit proof of filing of  
10 the notice of submission of petition under California Rule of Court 3.522 and proof of service of  
11 the notice of submission of petition and of the petition and supporting documents as required by  
12 California Rule of Court 3.523.

13 Dated: October 30, 2019

FENWICK & WEST LLP

14 By:   
15 Laurence F. Pulgram

16 Attorneys for Petitioners  
17 AMAZON.COM, INC. and A2Z  
18 DEVELOPMENT CENTER, INC.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY M. GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants/Petitioners  
11 AMAZON.COM, INC. and A2Z  
DEVELOPMENT CENTER, INC.

12 JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

13 CHAIR OF THE JUDICIAL COUNCIL

14  
15 KEITH EDWARDS,  
16 Plaintiffs,  
17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,  
20 Defendants.

Case Nos.:  
RG19035444; RG19037134;  
RG19037138; RG19039490;  
RG19039506; RG19039498;  
19STCV33082

**MEMORANDUM IN SUPPORT OF  
PETITION FOR COORDINATION  
AND MOTION TO STAY**

21  
22  
23  
24  
25  
26  
27  
28

1     **I.     INTRODUCTION**

2             In the span of a single month, seven largely identical lawsuits were filed against  
3     Amazon.com, Inc. and a2z Development Center, Inc. (together, “Amazon” or “Petitioners”) (the  
4     parties defendant in each of the actions) by various individuals – six in Alameda County and one  
5     in Los Angeles County, including:

6             **Alameda County:**

7             *Edwards v. Amazon.com, Inc., et al.*, Case No. RG19035444 (filed Sept. 17, 2019);<sup>1</sup>

8             *Foster v. Amazon.com, Inc., et al.*, Case No. RG19037134 (filed Sept. 30, 2019);

9             *Hodges v. Amazon.com, Inc., et al.*, Case No. RG19037138 (filed Sept. 30, 2019);

10            *Larsen v. Amazon.com, Inc., et al.*, Case No. RG19039490 (filed Oct. 15, 2019);

11            *Ramey v. Amazon.com, Inc., et al.*, Case No. RG19039506 (filed Oct. 15, 2019);

12            *Taylor v. Amazon.com, Inc., et al.*, Case No. RG19039498 (filed Oct. 15, 2019); and

13            **Los Angeles County:**

14            *Chen, et al. v. Amazon.com, Inc., et al.*, Case No. 19STCV33082 (filed Sept. 17, 2019)  
15     (altogether the “Actions”). *See* Exs. 1–7 (complaints).<sup>2</sup> Plaintiffs have also represented that they  
16     plan to file “numerous additional” actions in unspecified Superior Courts. *See* Ex. 8 at 2.

17            Each of the Actions alleges privacy violations arising from an individual’s use of  
18     Amazon’s Alexa-enabled devices. Pursuant to California Code of Civil Procedure § 404, and for  
19     the reasons described herein, Petitioners respectfully submit that the Actions should be  
20     coordinated because they share “common question[s] of fact [and] law”, and coordination will  
21     “promote the ends of justice.” Cal. Code Civ. Proc. § 404.1.

22            In addition, because the Actions are all at a very preliminary stage, and because there are  
23     imminent deadlines in a number of the Actions as to which Petitioners believe coordination is  
24     necessary and appropriate, Amazon further asks that the Actions be stayed in their entirety  
25     pending a decision on the Petition For Coordination.

26            

---

  
27     <sup>1</sup> A duplicate of the *Edwards* complaint was assigned a different case number (RG19035450) in  
error, but Petitioners understand the matter is being dismissed and so do not include it here.

28     <sup>2</sup> Unless otherwise noted, references to Exhibits (“Ex.”) are to Declaration of Avery L. Brown  
 (“Brown Decl.”) submitted in support of the Petition For Coordination And Motion To Stay.

## II. BACKGROUND

Though filed by different individuals, the operative complaints in the Actions are virtually identical. Each of the Actions names the same two defendants, alleges violations of California's Invasion of Privacy Act ("CIPA"), Penal Code § 632 based on use of Alexa-enabled devices, and was filed by the same attorneys at the same law firm. Brown Decl. ¶¶ 4–10. The first two cases were brought on September 17, 2019: the *Edwards* case in Alameda County Superior Court and *Chen* in Los Angeles County Superior Court. *Id.* ¶¶ 4, 10. Days later, on September 30, 2019, two near-replica suits, *Foster* and *Hodges*, were filed in Alameda County. *Id.* ¶¶ 5–6. On October 15, 2019, three more such suits were filed on behalf of three additional plaintiffs (*Larsen*, *Ramey*, and *Taylor*), again in Alameda County. *Id.* ¶¶ 7–9. As noted, these are not the only lawsuits expected. Counsel has indicated that they intend to file "numerous additional actions alleging the same . . . in California Superior Court on behalf of other plaintiffs." *See* Ex. 8 at 2.

Although they purport to state individual California state law claims, the Actions are part of a campaign of suits, potentially affecting millions of individuals and seeking billions in statutory damages. In addition to the Actions, multiple putative class actions against the same defendants, arising from the same alleged conduct, are currently pending in various other courts, including in the United States District Court for the Central District of California, the Western District of Washington, and in the Circuit Court of Cook County, Illinois. Brown Decl. ¶ 12. All of the Actions subject to this Petition purport to be premised on the same basic contention: that Alexa-enabled devices, in the course of their ordinary function of receiving and transmitting inquiries and responses over the internet, recorded allegedly confidential communications without sufficient consent and in violation of the CIPA. Because they raise identical claims, and differ only by named plaintiff, plaintiffs effectively concede coordination is appropriate here, as "these cases will all involve extensive case management, including coordinated discovery, a high volume of technical documents (most of which will be common to all cases), as well as many overlapping depositions on witnesses familiar with the technology . . . that is at issue in all of these cases." Ex. 8 at 2.<sup>3</sup> Indeed, Plaintiffs have themselves advised that "coordination of

<sup>3</sup> Consistent with this view, counsel for the plaintiffs filed Related Case notices in all of the

proceedings in California under California Code of Civil Procedure Section 404 will likely be necessary.” *Id.* at 8.

Each of the Actions was designated as complex by the plaintiffs. Brown Decl. ¶ 11. To date, the complex determination has only been addressed in two of the Actions. *Id.* ¶¶ 4–10. Although *Chen* was preliminarily deemed non-complex by the Court, the parties objected, and by Order of October 28, 2019 the matter was determined to be complex within the meaning of California Rule of Court 3.400 and stayed for all purposes pending an Initial Status Conference. *Id.* ¶ 10, Ex. 9. The *Edwards* action was deemed complex on October 23, 2019. *Id.* ¶ 4. That order indicated that a judge in the complex division would be assigned to the case—which may or may not be the judge handling determination of the matter’s complex status. *Id.* No complex case management order and schedule has been entered in *Edwards* to date. *Id.* In the remainder of the Actions, complex determination hearing dates are set for November 2019. *Id.* ¶¶ 5–9. No substantive case management conferences have been held in the Actions as of this time. *Id.* ¶¶ 4–10. Pursuant to stipulation between the parties, a responsive pleading or motion to compel arbitration is currently due November 13, 2019 in the *Edwards*, *Foster* and *Hodges* matters. *Id.* ¶¶ 4–6. A similar deadline had been agreed in *Chen*, but all deadlines in that matter have now been stayed. *Id.* ¶ 10, Ex. 9. Case management conferences are set for January 9, 2020 in the later-filed actions, *Larsen*, *Ramey* and *Taylor*. *Id.* ¶¶ 7–9.

### III. ARGUMENT

#### A. Coordination Of The Actions Is Warranted

Coordination is appropriate where “civil actions sharing a common question of fact or law” are pending in different courts and where “one judge hearing all of the actions for all purposes in a selected site or sites will promote the ends of justice.” In making that determination, the following factors are considered:

1. Whether common question of fact or law predominate and are significant;
2. Convenience of parties, witnesses, and counsel;
3. Relative development of the actions and the work product of counsel;

Actions (other than the duplicative *Edwards* matter). Brown Decl. ¶¶ 4–10.

1           4. Efficient utilization of judicial facilities and manpower;  
2           5. Calendar of the courts;  
3           6. Disadvantages of duplicative and inconsistent rulings, orders, or judgments; and  
4           7. Likelihood the actions would settle without further litigation if coordination is denied.  
5    See Cal. Code Civ. Proc. § 404.1; see also *Ford Motor Warranty Cases*, 11 Cal. App. 5th 626,  
6    629 (2017) (“Code of Civil Procedure section 404.1 governs the conditions for coordination of  
7    civil actions.”). These factors weigh heavily in favor of coordinating the Actions.

8           **First**, as alleged, common questions of fact and law predominate and are significant to the  
9    Actions. Cal. Code Civ. Proc. § 404.1. As noted, the operative complaints in the Actions are  
10   nearly identical save matters specific to the individual plaintiff(s). See Exs. 1–7. All purport to  
11   be premised on the same question of law: whether the recording of an individual user’s  
12   interactions with Alexa-enabled devices may violate the CIPA. In addition, Petitioners believe  
13   the claims alleged in the Actions are subject to arbitration on an individual basis and intend to  
14   move to compel accordingly, which is yet another reason why coordination is appropriate. Not  
15   only will coordination avoid disparate and duplicative motion practice and the potential for  
16   inconsistent decisions on the question of arbitration, Petitioners anticipate that a denial of any  
17   motion to compel arbitration may result in appellate proceedings, which is yet another reason why  
18   coordination (within a single appellate division) is appropriate. Likewise, even if the matters  
19   were to proceed in the Superior Courts, Amazon anticipates that many of the same defenses will  
20   bear on the Actions, including issues of assent, whether communications were confidential within  
21   the meaning of the relevant statute, and other equitable defenses to liability, all of which also  
22   favor coordination.

23           As alleged, there are also significant common questions of fact, including how Alexa-  
24   enabled devices operate, and how data is processed and stored. To the extent the Actions vary,  
25   such allegations relate, among other things, to each individual plaintiff’s use of Alexa-enabled  
26   devices, but those differences do not outweigh the substantial benefits of coordination given the  
27   substantial factual overlap.

28           **Second**, the convenience of the parties and witnesses also strongly favor coordination.

1 Many of the likely defense witnesses in these cases will be the same, and it would be highly  
2 inconvenient and inefficient for the parties to duplicate efforts with respect to the “highly  
3 technical” and extensive discovery that plaintiffs intend to seek from Amazon. *See Ford Motor*  
4 *Warranty Cases*, 11 Cal. App. 5th at 641 (common issue discovery, including common  
5 depositions, should be coordinated); Ex. 8. The same is true with respect to the “high volume of  
6 documents” and “large number of witnesses” plaintiffs intend to seek in the Actions. *Id.*  
7 Moreover, six of the seven Actions are already pending in Alameda County, so coordination  
8 should impose no substantial burden on plaintiffs or their witnesses.

9 **Third**, the Actions are all at an extremely preliminary stage, another factor favoring  
10 coordination. To date, no substantive case management conferences have been held, no formal  
11 discovery has occurred, no trial dates have been set, and in fact the *Chen* action is currently  
12 stayed, so coordination would not disrupt any current case schedules and, if anything, would help  
13 to significantly streamline proceedings in the Actions long-term. *See Ford Motor Warranty*  
14 *Cases*, 11 Cal. App. 5th at 638 (finding that the relative development of the actions had been  
15 stayed, no trial date had been set, and there was no risk that counsel for the newly coordinated  
16 cases would “seek to depose witnesses whose depositions were already taken”); Brown Decl. ¶¶  
17 4–10.

18 **Fourth**, coordination promotes the “efficient utilization of judicial facilities and  
19 manpower.” Cal. Code Civ. Proc. § 404.1. Just as it would be unduly burdensome to defend  
20 seven lawsuits alleging nearly identical claims in separate counties without coordination, so too it  
21 would be inefficient for at least two separate courts, or even multiple judges within a single  
22 county, to expend time and resources managing discovery that seeks the same information from  
23 the same parties and deciding many of the same questions of fact and law. *See Ford Motor*  
24 *Warranty Cases*, 11 Cal. App. 5th at 645–56 (“[I]t is incontrovertible that coordinated  
25 management of discovery on [common discovery] issues will ... promote the efficient utilization  
26 of judicial facilities and manpower.”). This is a particularly important factor here, where,  
27 according to plaintiffs’ counsel, they will seek discovery requiring “a highly technical ‘dive’ into  
28 the operation of Amazon’s Alexa products,” including “a complex investigation of Alexa devices,

1 how they were developed, the manner in which they are designed and operated . . . and the  
2 methods in which Defendants use and transmit the recorded communications to their cloud-based  
3 servers for later use and analysis.” Ex. 8 at 7.

4 **Fifth**, for the reasons already noted, coordination of the Actions will reduce duplication of  
5 effort for the parties and the courts alike, reducing the burden on the court system generally, and  
6 Petitioners know of no reason why the calendars of the courts would weigh against coordination.

7 **Sixth**, absent coordination, there is a substantial risk that the parties will face “duplicative  
8 and inconsistent rulings, orders, or judgments.” Cal. Code Civ. Proc. § 404.1. Indeed, as noted,  
9 the Courts in *Edwards* and *Chen* initially reached different conclusions (as a preliminary matter)  
10 on whether the Actions are complex, so the risk is more than mere conjecture. Brown Decl. ¶¶ 4,  
11 10. Such concerns will only become more acute with time. Prior to final judgment, the parties  
12 could face inconsistent or duplicative rulings on such critical issues as whether the Actions are  
13 subject to arbitration, the scope of discovery, and even on dispositive motions. Further, the  
14 Actions all seek damages, litigation expenses and attorneys’ fees, interest, and other relief – all  
15 areas benefiting from consistent rulings. For these reasons, this factor strongly weighs in favor of  
16 coordination. *Ford Motor Warranty Cases*, 11 Cal. App. 5th at 645 (admonishing coordination  
17 judge for “ignor[ing] ‘the disadvantages of duplicative and inconsistent rulings’ on discovery and  
18 other pretrial matters”) (citation omitted).

19 **Seventh**, because the Actions as alleged are premised on identical legal theories, against  
20 the same defendants, and seek the same relief, denial of coordination is unlikely to encourage  
21 settlement of any of the Actions as an individual matter.

22 **B. The Actions Should be Coordinated in Alameda County Superior Court**

23 Petitioners request that the Actions be coordinated in Alameda County Superior Court.  
24 Similar to the considerations favoring coordination, in determining the appropriate site for  
25 coordination proceedings, the following factors may be considered:

- 26 1. The number of included actions in particular locations;
- 27 2. Whether the litigation is at an advanced stage in a particular court;
- 28 3. The efficient use of court facilities and judicial resources;



- 1 4. The locations of witnesses and evidence;
- 2 5. The convenience of the parties and witnesses;
- 3 6. The parties' principal places of business;
- 4 7. The office locations of counsel for the parties; and
- 5 8. The ease of travel to and availability of accommodations in particular locations.

6 See Cal. R. Court, Rule 3.530(b).

7 All of the foregoing factors support coordination proceedings in Alameda County  
8 Superior Court. As an initial matter, the vast majority of the Actions (six of the seven) are  
9 already pending there and all of the Actions are at a very preliminary stage. Other convenience  
10 factors also favor Alameda County. Counsel for the parties in all the Actions (including *Chen*,  
11 the sole matter pending in Los Angeles County) maintain offices in San Francisco (local to  
12 Alameda County), defendant a2z Development Center, Inc. is headquartered in nearby  
13 Sunnyvale, California, and all of the plaintiffs (other than in *Chen*) reside in Alameda County.  
14 See Exs. 1–7. To the extent any party or witness is not local, travel to Alameda County is also  
15 highly convenient, with two major airports right nearby. Accordingly, Petitioners hereby request  
16 that the coordination motion judge assign Alameda County Superior Court as the site for any  
17 coordination proceedings.

18 **C. A Stay is Warranted While This Petition is Pending**

19 California Code of Civil Procedure Section 404.5 provides that, “[p]ending any  
20 determination of whether coordination is appropriate, the judge making that determination may  
21 stay any action being considered for, or affecting an action being considered for, coordination.”  
22 A stay is appropriate where it “will promote the ends of justice.” Cal. R. Court, Rule 3.515(f);  
23 see also Cal. R. Court, Rule 3.515(b)(3) (“A motion for a stay order must ... show that a stay  
24 order is necessary and appropriate to effectuate the purposes of coordination.”); cf. *Freiberg v.*  
25 *City of Mission Viejo*, 33 Cal. App. 4th 1484, 1489 (1995) (“Trial courts generally have the  
26 inherent power to stay proceedings in the interests of justice and to promote judicial efficiency.”).  
27 This inquiry includes consideration of “the imminence of any . . . proceeding that might  
28 materially affect the status of the action to be stayed.” Cal. R. Court, Rule 3.515(f).

1 Consistent with these aims and considerations, a stay of the Actions in their entirety  
2 pending a decision on the Petition is warranted here. As discussed, the Actions are currently at a  
3 very preliminary stage. It is appropriate to plan the actions jointly at the outset and coordinate the  
4 proceedings to streamline motion practice, motion dates, briefing and case management. A stay  
5 is necessary to ensure that no single case gets out ahead of the other Actions, and avoid the filing  
6 of multiple different motions in the various cases, which would thwart the very purposes of  
7 coordination. In particular, with respect to Petitioners' anticipated motions to compel arbitration  
8 in the Actions, a responsive pleading date of November 13, 2019 is currently pending in three of  
9 the Alameda Superior Court cases, and Petitioners would also anticipate filing a motion to compel  
10 arbitration in *Chen* in Los Angeles Superior Court once the stay is lifted in that case. Absent a  
11 stay, it is thus possible that four separate motions to compel arbitration would be triggered, before  
12 at least two and potentially more judges, which coordination can and should streamline into an  
13 orderly process.

14 Among other benefits, a stay thus helps to preserve judicial and party resources,  
15 eliminates the threat of inconsistent rulings on dispositive issues, and will avoid premature and  
16 duplicative discovery, all of which serve to promote the ends of justice. Entering a stay pending  
17 coordination will not cause any cognizable prejudice, as these actions do not seek emergency  
18 relief, seek solely individual financial recoveries, and are at their earliest preliminary stages.  
19 Accordingly, to facilitate coordination, ensure fairness, and minimize the burden on the parties  
20 and the courts, Amazon respectfully requests that the Actions be stayed in their entirety until this  
21 Petition is decided.

22 Dated: October 30, 2019

FENWICK & WEST LLP

23 By:   
24

Laurence F. Pulgram

25 Attorneys for Petitioners  
26 AMAZON.COM, INC. and A2Z  
27 DEVELOPMENT CENTER, INC.  
28

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY M. GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants/Petitioners  
AMAZON.COM, INC. and A2Z  
11 DEVELOPMENT CENTER, INC.

12 JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

13 CHAIR OF THE JUDICIAL COUNCIL

14  
15 KEITH EDWARDS,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

20 Defendants.

Case Nos.:

RG19035444; RG19037134;  
RG19037138; RG19039490;  
RG19039506; RG19039498;  
19STCV33082

**DECLARATION OF AVERY L.  
BROWN IN SUPPORT OF PETITION  
FOR COORDINATION AND MOTION  
TO STAY**

1 I, Avery L. Brown, declare as follows:

2 1. I am an attorney admitted to practice in California and before this Court. I am an  
3 associate at Fenwick & West LLP, counsel of record for Petitioners Amazon.com, Inc. and A2Z  
4 Development Center, Inc. (collectively, "Amazon" or "Petitioners"), as discussed herein, the  
5 parties defendant in the seven actions currently pending in the Superior Courts of California in  
6 two different counties (altogether, the "Actions"). Fenwick & West LLP is located at 555  
7 California Street, 12th Floor, San Francisco, CA 94104.

8 2. I submit this declaration in support of the Petition for Coordination and Motion to  
9 Stay concurrently submitted by Petitioners on October 30, 2019. I have personal knowledge of  
10 the facts stated in this declaration and, if called upon to do so, could and would testify  
11 competently as to the matters described below.

12 3. Plaintiffs in each of the Actions are represented by the same law firm and the same  
13 counsel, as follows:

14 Patrick T. Burns, Esq.  
15 Quinn Emanuel Urquhart & Sullivan, LLP  
50 California St., 22nd Floor  
16 San Francisco, CA 94111

Joseph C. Sarles, Esq.  
Quinn Emanuel Urquhart & Sullivan, LLP  
865 South Figueroa Street, 10th Floor  
Los Angeles, CA 90017

17 Plaintiffs are also represented by Sean Taheri of Quinn Emanuel Urquhart & Sullivan LLP's Los  
18 Angeles office in the actions filed October 15, 2019.

19 4. A true and correct copy of the complaint in *Edwards v. Amazon.com, Inc., et al.*,  
20 Case No. RG19035444, filed in Superior Court of California, County of Alameda on September  
21 17, 2019 is attached hereto as **Exhibit 1**. The sole plaintiff in this action is Keith Edwards. The  
22 *Edwards* matter was deemed complex on October 23, 2019, and an Initial Complex Case  
23 Management Conference is scheduled for November 26, 2019. No complex case management  
24 order and schedule has been entered in this matter to date. Pursuant to a stipulation between the  
25 parties, Amazon's responsive pleading or motion to compel arbitration is due November 13,  
26 2019.

27 5. A true and correct copy of the complaint in *Foster v. Amazon.com, Inc., et al.*,  
28 Case No. RG19037134, filed in the Superior Court of California, County of Alameda, on

1 September 30, 2019 is attached hereto as **Exhibit 2**. The sole plaintiff in this action is Daniel  
2 Foster. Plaintiff's counsel filed notices of related cases on October 2 and October 22, 2019. A  
3 Complex Determination Hearing in this action is set for November 6, 2019, and an Initial  
4 Complex Case Management Conference is scheduled for December 17, 2019. Pursuant to a  
5 stipulation between the parties, Amazon's responsive pleading or motion to compel arbitration is  
6 due November 13, 2019.

7 6. A true and correct copy of the complaint in *Hodges v. Amazon.com, Inc., et al.*,  
8 Case No. RG19037138, filed in the Superior Court of California, County of Alameda, on  
9 September 30, 2019 is attached hereto as **Exhibit 3**. The sole plaintiff in this action is Dieisha  
10 Hodges. Plaintiff's counsel filed notices of related cases on October 2 and October 22, 2019. A  
11 Complex Determination Hearing in this action is set for November 13, 2019, and an Initial  
12 Complex Case Management Conference is scheduled for December 18, 2019. Pursuant to a  
13 stipulation between the parties, Amazon's responsive pleading or motion to compel arbitration is  
14 due November 13, 2019.

15 7. A true and correct copy of the complaint in *Larsen v. Amazon.com, Inc., et al.*,  
16 Case No. RG19039490, filed in the Superior Court of California, County of Alameda, on October  
17 15, 2019 is attached hereto as **Exhibit 4**. The sole plaintiff in this action is Craig Larsen.  
18 Plaintiff's counsel filed notices of related cases on October 15 and October 22, 2019. In addition  
19 to Messrs. Burns and Sarles, plaintiff in this action is also represented by attorney Sean Taheri of  
20 Quinn Emanuel Urquhart & Sullivan, LLP, who is located at 865 South Figueroa Street, 10th  
21 Floor, Los Angeles, CA 90017. A Complex Determination Hearing in this action is set for  
22 November 27, 2019, and a Case Management Conference is scheduled for January 9, 2020.  
23 Amazon was served with the complaint and summons on October 22, 2019.

24 8. A true and correct copy of the complaint in *Ramey v. Amazon.com, Inc., et al.*,  
25 Case No. RG19039506, filed in the Superior Court of California, County of Alameda on October  
26 15, 2019 is attached hereto as **Exhibit 5**. The sole plaintiff in this action is Claudia Ramey.  
27 Plaintiff's counsel filed notices of related cases on October 15 and October 22, 2019. In addition  
28 to Messrs. Burns and Sarles, plaintiff in this action is also represented by attorney Sean Taheri of

1 Quinn Emanuel Urquhart & Sullivan, LLP, who is located at 865 South Figueroa Street, 10th  
2 Floor, Los Angeles, CA 90017. A Complex Determination Hearing in this action is set for  
3 November 27, 2019, and a Case Management Conference is scheduled for January 9, 2020.  
4 Amazon was served with the complaint and summons on October 22, 2019.

5 9. A true and correct copy of the complaint in *Taylor v. Amazon.com, Inc., et al.*,  
6 Case No. RG19039498, filed in the Superior Court of California, County of Alameda, on October  
7 15, 2019 is attached hereto as **Exhibit 6**. The sole plaintiff in this action is Jennifer Taylor.  
8 Plaintiff's counsel filed notices of related cases on October 15 and October 22, 2019. In addition  
9 to Messrs. Burns and Sarles, plaintiff in this action is also represented by attorney Sean Taheri of  
10 Quinn Emanuel Urquhart & Sullivan, LLP, who is located at 865 South Figueroa Street, 10th  
11 Floor, Los Angeles, CA 90017. A Complex Determination Hearing in this action is set for  
12 November 27, 2019, and a Case Management Conference is scheduled for January 9, 2020

13 10. A true and correct copy of the complaint in *Chen, et al. v. Amazon.com, Inc., et al.*,  
14 Case No. 19STCV33082, filed in the Superior Court of California, County of Los Angeles, on  
15 September 17, 2019 is attached hereto as **Exhibit 7**. Plaintiffs in this action are Madeleine Chen  
16 and Marcial Castaneda. Plaintiffs' counsel filed notices of related cases on October 2 and  
17 October 22, 2019. Although plaintiffs designated the action as complex, on September 26, 2019,  
18 the Court deemed the case non-complex. Plaintiffs and Defendants objected to the non-complex  
19 determination on October 11, 2019 and October 17, 2019, respectively. A true and correct copy  
20 of Plaintiffs' Objection to Non-Complex Determination is also attached hereto as **Exhibit 8**. On  
21 October 28, 2019, the Court ruled on the objections, designated the matter as complex within the  
22 meaning of California Rule of Court 3.400, assigned the matter to Judge Ann I. Jones for all  
23 further proceedings, and ordered the matter stayed for all purposes until an Initial Status  
24 Conference is held. Prior to the stay, pursuant to a stipulation between the parties, Amazon's  
25 responsive pleading or motion to compel arbitration had been due November 13, 2019. A true  
26 and correct copy of the October 28, 2019 Order deeming the matter complex and staying the  
27 action is attached hereto as **Exhibit 9**.

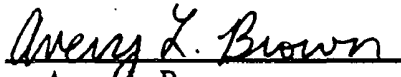
28 11. Each of the Actions was identified as complex by plaintiffs' counsel on the civil

1 cover sheets accompanying the complaints.

2 12. In addition to filing the Actions, plaintiffs' counsel in the Actions are also counsel  
3 in a number of putative class actions alleging privacy violations in connection with the use of  
4 Alexa-enabled devices: *Tice, et al. v. Amazon.com, Inc., et al.*, Case No. 5:19-cv-01311-SVW-  
5 KK (C.D. Cal.), *R.A., et al. v. Amazon.com, Inc., et al.*, Case No. 2:19-cv-06454-CJC-AGR (C.D.  
6 Cal.) (removed from Los Angeles Superior Court), and *C.O., et al. v. Amazon.com, Inc., et al.*,  
7 Case No. 2:19-cv-910-RAJ-MLP (W.D. Wash.). Two additional related actions, *Adamsky, et al.*  
8 *v. Amazon.com, Inc., et al.*, Case No. 2:19-cv-01214-JCC (W.D. Wash.) and *Wilcosky, et al. v.*  
9 *Amazon.com, Inc., et al.*, Case No. 2019CHO7777 (Cir. Ct of Cook County, Illinois) are also  
10 pending, albeit with different plaintiffs' counsel.

11 13. For the reasons described in the accompanying Memorandum In Support Of  
12 Petition For Coordination And Motion To Stay, each of the Actions share common questions of  
13 fact or law and otherwise satisfy the criteria for coordination of complex matters pursuant to  
14 California Code of Civil Procedure §§ 404 and 404.1. In addition, the Actions are all at a very  
15 early stage and, as further discussed in the Memorandum In Support Of Petition For Coordination  
16 And Motion To Stay, there is good cause to stay the Actions until the Petition For Coordination is  
17 decided.

18 I declare under penalty of perjury under the laws of the State of California that the  
19 foregoing is true and correct. Executed this 30th day of October, 2019 at San Francisco,  
20 California.

21   
22 Avery L. Brown  
23  
24  
25  
26  
27  
28

# Exhibit C



1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY M. GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants/Petitioners  
AMAZON.COM, INC. and A2Z  
11 DEVELOPMENT CENTER, INC.

12  
13 JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

14 CHAIR OF THE JUDICIAL COUNCIL

15 KEITH EDWARDS,  
16 Plaintiff,  
17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,  
20 Defendants.

Case Nos.:  
RG19035444; RG19037134;  
RG19037138; RG19039490;  
RG19039506; RG19039498;  
19STCV33082

**NOTICE OF NON-OPPOSITION AND  
RESPONSE IN SUPPORT OF  
PETITION FOR COORDINATION**

**IMMEDIATE STAY REQUESTED**

1 On October 30, 2019 Petitioners Amazon.com, Inc. and a2z Development Center, Inc.  
2 (collectively, "Amazon" and parties defendant in the actions noted below), asked that a  
3 coordination motion judge be assigned to determine whether the following matters, pending in the  
4 Superior Courts of California in two different counties, should be coordinated.

5 **Alameda County:**

6 *Edwards v. Amazon.com, Inc., et al.*, Case No. RG19035444 (filed Sept. 17, 2019);  
7 *Foster v. Amazon.com, Inc., et al.*, Case No. RG19037134 (filed Sept. 30, 2019);  
8 *Hodges v. Amazon.com, Inc., et al.*, Case No. RG19037138 (filed Sept. 30, 2019);  
9 *Larsen v. Amazon.com, Inc., et al.*, Case No. RG19039490 (filed Oct. 15, 2019);  
10 *Ramey v. Amazon.com, Inc., et al.*, Case No. RG19039506 (filed Oct. 15, 2019);  
11 *Taylor v. Amazon.com, Inc., et al.*, Case No. RG19039498 (filed Oct. 15, 2019); and

12 **Los Angeles County:**

13 *Chen, et al. v. Amazon.com, Inc., et al.*, Case No. 19STCV33082 (filed Sept. 17, 2019)  
14 (altogether the "Actions"). *The same day*, unbeknownst to Amazon until after it had submitted its  
15 Petition, Plaintiffs in the Actions filed their own reciprocal petition seeking coordination of the  
16 same Actions with the Judicial Council, likewise requesting assignment in Alameda County  
17 Superior Court.

18 Pursuant to California Rule of Court 3.511(6), and in light of the parallel requests for  
19 coordination of the Actions in Alameda County Superior Court by all parties, Amazon submits  
20 that there is no opposition to coordination of the Actions. Amazon therefore respectfully requests  
21 that the matters be coordinated as soon as possible. Indeed, as the simultaneous petitions (and the  
22 vast number of associated notice filings, service, and other burdens that occasions on the parties  
23 and the Courts alike) amply illustrate, the need for swift coordination of the Actions is apparent.

24 Amazon further requests that the Council act promptly on its request to stay the Actions in  
25 their entirety pending a decision on coordination. Despite their support of coordination, and  
26 despite a stay already having been issued in the *Chen* action, counsel for Plaintiffs has advised  
27 that they do not agree that a stay of the Actions is appropriate. This stance is perplexing. Given  
28 imminent deadlines in the Actions raising the very legal issues coordination is intended to solve, a

1 stay is appropriate. Indeed, Plaintiffs themselves made the following representations in their  
2 Memorandum Of Points And Authorities In Support Of Petition For Coordination ("Pl. Mem."):

3 "[T]here is a *significant danger of duplicative or inconsistent rulings if the cases*  
4 *are not coordinated. Common issues likely to arise included whether Plaintiff-*  
5 *Petitioners are bound to arbitrate their claims . . . These motions should be*  
6 *resolved in one court* and should be subject to review in one Court of Appeal in  
7 order to avoid duplicative and inconsistent rulings." Pl. Mem. at 10.

8 "*Coordination is particularly appropriate now because each of the Included*  
9 *Actions was filed within the past two months. No formal discovery or motion*  
10 *practice has yet taken place* in any of them, but the need for coordination is  
11 already apparent and will only increase as the cases develop. No party will be  
12 prejudiced by coordination. No party will benefit from any delay in [ordering]  
13 coordination; *in fact, delay [in ordering coordination] will result only in*  
14 *duplicative efforts and rulings, wasting the resources of the courts, counsel and*  
15 *the parties.*" Pl. Mem. at 9.

16 (emphases added).

17 Plaintiffs' views argue in favor of an immediate stay pending coordination, not against it.  
18 That is especially true here, where there is a **November 13, 2019** deadline to move to compel  
19 arbitration in three of the Actions, all of which have yet to be assigned to a permanent judge or  
20 department, and have yet to receive an initial complex case management order. Requiring  
21 Amazon to go forward before coordination undermines the fundamental purposes of coordination  
22 and, instead, results in the very "duplicative efforts and rulings" and "wast[e] [of] the resources of  
23 the courts, counsel and the parties" that Plaintiffs say they want to avoid. While Plaintiffs may  
24 prefer to put Amazon (and the Courts) to the trouble of filing and hearing separate motions to  
25 compel arbitration before the cases are organized sensibly, it makes no sense to do so.

26 Accordingly, Amazon respectfully requests that the Judicial Council grant the unopposed  
27 Petitions to Coordinate and accelerate consideration of the stay motion or, in the alternative, enter  
28 a limited stay now (e.g., through December 1) sufficient to preserve the status quo pending  
consideration of any opposition to and adjudication of the requested stay, with schedules to  
resume a reasonable time thereafter should a stay be denied.<sup>1</sup>

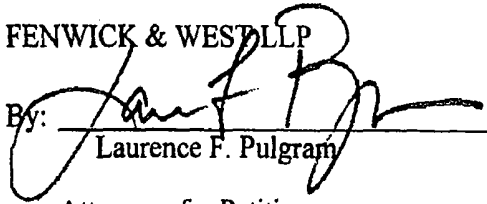
///

<sup>1</sup> Plaintiffs' counsel are copied on this submission and a service copy will follow.

1 Dated: October 31, 2019

FENWICK & WEST LLP

2  
3 By:

  
Laurence F. Pulgram

4 Attorneys for Petitioners  
5 AMAZON.COM, INC. and A2Z  
6 DEVELOPMENT CENTER, INC.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **Exhibit D1**

**FILED**  
ALAMEDA COUNTY

NOV 21 2019

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
11 AMAZON.COM, INC., and A2Z  
DEVELOPMENT CENTER, INC.

12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF ALAMEDA  
15

16 KEITH EDWARDS,

17 Plaintiff,

18 v.

19 AMAZON.COM, INC., a Delaware corporation,  
20 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

21 Defendants.  
22  
23  
24  
25  
26  
27  
28

Case No.: RG19035444

STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS

Date Action Filed: September 17, 2019

FILED

STIPULATION AND ~~PROPOSED~~ ORDER TO STAY  
PROCEEDINGS

CASE No. RG19035444

1 Plaintiff Keith Edwards ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
2 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
3 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's  
4 complaint filed September 17, 2019 until a determination on either of the Parties' respective  
5 petitions to the Judicial Council of California for coordination pursuant to California Code of  
6 Civil Procedure 404. In support of this request, the Parties state as follows:

7 1. On September 17, 2019, Plaintiff filed a complaint against Defendants. On  
8 October 21, 2019, the Parties filed a stipulated motion for extension of time to respond to the  
9 complaint to November 13, 2019. On October 24, 2019, the Court granted the stipulated motion  
10 for an extension of time to respond to the complaint until November 13, 2019.

11 2. On October 30, 2019, the Parties each, separately filed a petition for coordination  
12 of this case with six others pending in California superior courts with the Judicial Council of  
13 California pursuant to Code of Civil Procedure 404. On October 31, 2019, Defendants filed a  
14 notice of non-opposition to Plaintiff's Petition for Coordination.

15 3. Pending a determination on either of the Parties' petitions for coordination, the  
16 Parties have agreed to stay this action in its entirety, including with respect to any responsive  
17 pleading, motion to compel arbitration, or discovery. If a petition for coordination is granted, a  
18 schedule for resuming this action, including the scheduling of a responsive pleading date and  
19 discovery will be set in connection with the case management conference in the coordinated  
20 proceedings. If a petition for coordination is denied, and the matters will proceed independently,  
21 discovery will resume, and the responsive pleading, including a motion to compel arbitration, will  
22 be due 14 days after the Judicial Council's decision or at another time to be set by the Court in its  
23 discretion.

24 NOW, THEREFORE, the Parties stipulate and request the Court stay this action pending a  
25 decision on either of the Parties' petitions for coordination submitted to the Judicial Council of  
26 California.  
27  
28


FENWICK & WEST LLP  
ATTORNEYS AT LAW

1 Dated: November 7, 2019

QUINN EMANUEL URQUHART & SULLIVAN, LLP

2

3

By:   
Joseph C. Sarles

4

Attorneys for Plaintiff  
KEITH EDWARDS

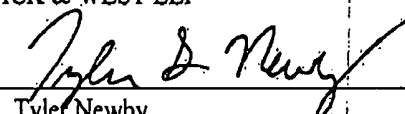
5

6

7 Dated: November 7, 2019

FENWICK & WEST LLP

8

By:   
Tyler Newby

9

Attorneys for Petitioners/Defendants  
AMAZON.COM, INC., and  
A2Z DEVELOPMENT CENTER, INC.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

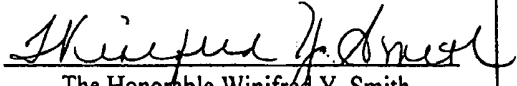


## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 21, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court

# **Exhibit D2**

**FILED**  
ALAMEDA COUNTY

NOV 21 2019

CLERK OF THE SUPERIOR COURT

By [Signature] Deputy

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
AMAZON.COM, INC., and A2Z  
11 DEVELOPMENT CENTER, INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA  
14

15 DANIEL FOSTER,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

20 Defendants.  
21  
22

Case No. RG19037134

**STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS**

Complaint Filed: September 30, 2019

23 Plaintiff Daniel Foster ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
24 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
25 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's  
26 complaint filed September 30, 2019 until a determination on either of the Parties' respective  
27 petitions to the Judicial Council of California for coordination pursuant to California Code of  
28 Civil Procedure § 404. In support of this request, the Parties state as follows:

1           1.     On September 30, 2019, Plaintiff filed a complaint against Defendants. The  
2 Parties stipulated to extend the time to respond to the complaint to November 13, 2019.

3           2.     On October 30, 2019, the Parties each, separately filed a petition for coordination  
4 of this case with six others pending in California superior courts with the Judicial Council of  
5 California pursuant to Code of Civil Procedure § 404. On October 31, 2019, Defendants filed a  
6 notice of non-opposition to Plaintiff's Petition for Coordination.

7           3.     Pending a determination on either of the Parties' petitions for coordination, the  
8 Parties have agreed to stay this action in its entirety, including with respect to any responsive  
9 pleading, motion to compel arbitration, or discovery. If a petition for coordination is granted, a  
10 schedule for resuming this action, including the scheduling of a responsive pleading date and  
11 discovery will be set in connection with the case management conference in the coordinated  
12 proceedings. If a petition for coordination is denied, and the matters will proceed independently,  
13 discovery will resume, and the responsive pleading, including a motion to compel arbitration, will  
14 be due 14 days after the Judicial Council's decision or at another time to be set by the Court in its  
15 discretion.

16           NOW, THEREFORE, the Parties stipulate and request the Court stay this action pending a  
17 decision on either of the Parties' petitions for coordination submitted to the Judicial Council of  
18 California.

19 Dated: November 7, 2019

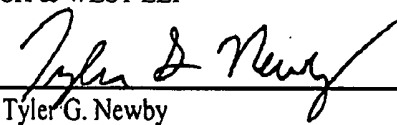
QUINN EMANUEL URQUHART & SULLIVAN, LLP

20  
21 By:   
Joseph C. Sarles

22 Attorneys for Plaintiff  
23 DANIEL FOSTER

24 Dated: November 7, 2019

FENWICK & WEST LLP

25 By:   
26 Tyler G. Newby

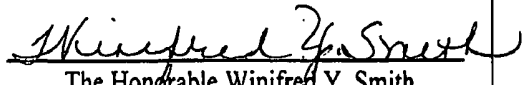
27 Attorneys for Petitioners/Defendants  
28 AMAZON.COM, INC., and  
A2Z DEVELOPMENT CENTER, INC.

## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 21, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court

# **Exhibit D3**

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
11 AMAZON.COM, INC., and A2Z  
12 DEVELOPMENT CENTER, INC.

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 DIEISHA HODGES,

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
20 Delaware corporation,

21 Defendants.

Case No. RG19037138

22 **STIPULATION AND [PROPOSED]  
ORDER TO STAY PROCEEDINGS**

Complaint Filed: September 30, 2019

23 Plaintiff Dieisha Hodges ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
24 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
25 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's complaint  
26 filed September 30, 2019 until a determination on either of the Parties' respective petitions to the  
27 Judicial Council of California for coordination pursuant to California Code of Civil Procedure  
28 § 404. In support of this request, the Parties state as follows:

1           1.     On September 30, 2019, Plaintiff filed a complaint against Defendants. The  
2 Parties stipulated to extend the time to respond to the complaint to November 13, 2019.

3           2.     On October 30, 2019, the Parties each, separately filed a petition for coordination of  
4 this case with six others pending in California superior courts with the Judicial Council of  
5 California pursuant to Code of Civil Procedure § 404. On October 31, 2019, Defendants filed a  
6 notice of non-opposition to Plaintiff's Petition for Coordination.

7           3.     Pending a determination on either of the Parties' petitions for coordination, the  
8 Parties have agreed to stay this action in its entirety, including with respect to any responsive  
9 pleading, motion to compel arbitration, or discovery. If a petition for coordination is granted, a  
10 schedule for resuming this action, including the scheduling of a responsive pleading date and  
11 discovery will be set in connection with the case management conference in the coordinated  
12 proceedings. If a petition for coordination is denied, and the matters will proceed independently,  
13 discovery will resume, and the responsive pleading, including a motion to compel arbitration, will  
14 be due 14 days after the Judicial Council's decision or at another time to be set by the Court in its  
15 discretion.

16           NOW, THEREFORE, the Parties stipulate and request the Court stay this action pending a  
17 decision on either of the Parties' petitions for coordination submitted to the Judicial Council of  
18 California.

19 Dated: November 7, 2019

QUINN EMANUEL URQUHART & SULLIVAN, LLP

20  
21 By: 

Joseph C. Sarles

22 Attorneys for Plaintiff  
23 DIEISHA HODGES

24 Dated: November 7, 2019

FENWICK & WEST LLP

25 By: 

26 Tyler G. Newby

27 Attorneys for Petitioners/Defendants  
28 AMAZON.COM, INC., and  
A2Z DEVELOPMENT CENTER, INC.

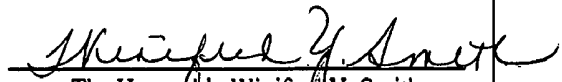


## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 21, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court

# **Exhibit D4**

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
11 AMAZON.COM, INC., and A2Z  
DEVELOPMENT CENTER, INC.

12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF ALAMEDA  
15

16 CRAIG LARSEN,

17 Plaintiff,

18 v.

19 AMAZON.COM, INC., a Delaware corporation,  
20 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

21 Defendants.  
22

Case No.: RG19039490

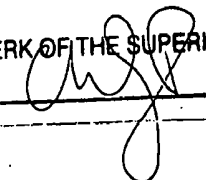
STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS

Date Action Filed: October 15, 2019

23 Plaintiff Craig Larsen ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
24 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
25 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's  
26 complaint filed October 15, 2019 until a determination on either of the Parties' respective  
27 petitions to the Judicial Council of California for coordination pursuant to California Code of  
28 Civil Procedure § 404. In support of this request, the Parties state as follows:

FILED  
ALAMEDA COUNTY

NOV 27 2019

CLERK OF THE SUPERIOR COURT  
By  Deputy

1           1.       On October 15, 2019, Plaintiff filed a complaint against Defendants. Defendants'  
2 response to the complaint is due November 21, 2019.

3           2.       On October 30, 2019, the Parties each, separately filed a petition for coordination  
4 of this case with six others pending in California superior courts with the Judicial Council of  
5 California pursuant to Code of Civil Procedure § 404. On October 31, 2019, Defendants filed a  
6 notice of non-opposition to Plaintiff's Petition for Coordination.

7           3.       Pending a determination on either of the Parties' petitions for coordination, the  
8 Parties have agreed to stay this action in its entirety, including with respect to any responsive  
9 pleading, motion to compel arbitration, or discovery. If a petition for coordination is granted, a  
10 schedule for resuming this action, including the scheduling of a responsive pleading date and  
11 discovery will be set in connection with the case management conference in the coordinated  
12 proceedings. If a petition for coordination is denied, and the matters will proceed independently,  
13 discovery will resume, and the responsive pleading, including a motion to compel arbitration, will  
14 be due 14 days after the Judicial Council's decision or at another time to be set by the Court in its  
15 discretion.

16           NOW, THEREFORE, the Parties stipulate and request the Court stay this action pending a  
17 decision on either of the Parties' petitions for coordination submitted to the Judicial Council of  
18 California.

19 Dated: November 7, 2019

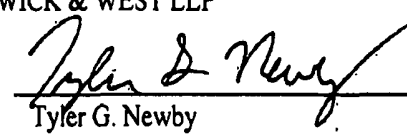
QUINN EMANUEL URQUHART & SULLIVAN, LLP

20  
21 By:   
Joseph C. Sarles

22 Attorneys for Plaintiff  
23 CRAIG LARSEN

24 Dated: November 7, 2019

FENWICK & WEST LLP

25 By:   
26 Tyler G. Newby

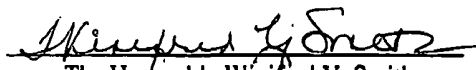
27 Attorneys for Petitioners/Defendants  
28 AMAZON.COM, INC., and  
A2Z DEVELOPMENT CENTER, INC.

## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 29, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court

# **Exhibit D5**

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
AMAZON.COM, INC., and A2Z  
11 DEVELOPMENT CENTER, INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13  
14 COUNTY OF ALAMEDA

15 CLAUDIA RAMEY

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
20 Delaware corporation,

21 Defendants.

Case No.: RG19039506

STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS

Date Action Filed: October 15, 2019

22 Plaintiff Claudia Ramey ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
23 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
24 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's  
25 complaint filed October 15, 2019 until a determination on either of the Parties' respective  
26 petitions to the Judicial Council of California for coordination pursuant to California Code of  
27 Civil Procedure § 404. In support of this request, the Parties state as follows:  
28

FILED  
ALAMEDA COUNTY

NOV 21 2019

CLERK OF THE SUPERIOR COURT  
By  Deputy

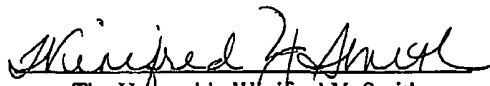


## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 21, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court



# **Exhibit D6**

1-10/21

**FILED**  
**ALAMEDA COUNTY**

**NOV 21 2019**

**CLERK OF THE SUPERIOR COURT**

By *[Signature]* Deputy

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
AMAZON.COM, INC., and A2Z  
11 DEVELOPMENT CENTER, INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA  
14

15 JENNIFER TAYLOR

16 Plaintiff,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
20 Delaware corporation,

21 Defendants.

Case No.: RG19039498

**STIPULATION AND [PROPOSED]  
ORDER TO STAY PROCEEDINGS**

Date Action Filed: October 15, 2019

22  
23 Plaintiff Jennifer Taylor ("Plaintiff") and Defendants Amazon.com, Inc. and A2Z  
24 Development Center, Inc. (collectively, "Defendants" and together with Plaintiff, the "Parties")  
25 stipulate to stay discovery and the date by which Defendants must respond to Plaintiff's  
26 complaint filed October 15, 2019 until a determination on either of the Parties' respective  
27 petitions to the Judicial Council of California for coordination pursuant to California Code of  
28 Civil Procedure § 404. In support of this request, the Parties state as follows:

STIPULATION AND [PROPOSED] ORDER TO STAY  
PROCEEDINGS

CASE NO.: RG19039498

FENWICK & WEST LLP  
ATTORNEYS AT LAW

FILED

1. On October 15, 2019, Plaintiff filed a complaint against Defendants. Defendants' response to the complaint is due November 21, 2019.

2. On October 30, 2019, the Parties each, separately filed a petition for coordination of this case with six others pending in California superior courts with the Judicial Council of California pursuant to Code of Civil Procedure § 404. On October 31, 2019, Defendants filed a notice of non-opposition to Plaintiff's Petition for Coordination.

3. Pending a determination on either of the Parties' petitions for coordination, the Parties have agreed to stay this action in its entirety, including with respect to any responsive pleading, motion to compel arbitration, or discovery. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, and the matters will proceed independently, discovery will resume, and the responsive pleading, including a motion to compel arbitration, will be due 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion.

NOW, THEREFORE, the Parties stipulate and request the Court stay this action pending a decision on either of the Parties' petitions for coordination submitted to the Judicial Council of California.

Dated: November 7, 2019

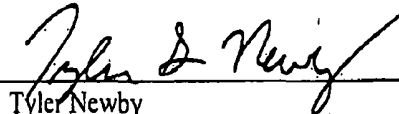
QUINN EMANUEL URQUHART & SULLIVAN, LLP

By:   
Joseph E. Sarles

Attorneys for Plaintiff  
JENNIFER TAYLOR

Dated: November 7, 2019

FENWICK & WEST LLP

By:   
Tyler Newby


Attorneys for Petitioners/Defendants  
AMAZON.COM, INC., and  
A2Z DEVELOPMENT CENTER, INC.

## [PROPOSED] ORDER

Pursuant to the Parties' stipulated request for such relief, this action shall be stayed until a decision on either of the Parties' pending petitions for coordination. If a petition for coordination is granted, a schedule for resuming this action, including the scheduling of a responsive pleading date and discovery will be set in connection with the case management conference in the coordinated proceedings. If a petition for coordination is denied, discovery will resume, and the responsive pleading date will be 14 days after the Judicial Council's decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: November 21, 2019

  
The Honorable Winifred Y. Smith  
Judge of the Superior Court

# **Exhibit E**

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY M. GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants/Petitioners  
AMAZON.COM, INC. and A2Z  
11 DEVELOPMENT CENTER, INC.

12  
13 JUDICIAL COUNCIL OF THE STATE OF CALIFORNIA

14 CHAIR OF THE JUDICIAL COUNCIL

15 KEITH EDWARDS, et al.,

16 Plaintiffs,

17 v.

18 AMAZON.COM, INC., a Delaware corporation,  
19 and A2Z DEVELOPMENT CENTER, INC., a  
Delaware corporation,

20 Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

Case Nos.:

RG19035444; RG19037134;  
RG19037138; RG19039490;  
RG19039506; RG19039498;  
19STCV33082; RG19046707

JCCP Nos. 5069, 5071

**NOTICE OF ADD-ON CASE TO  
PETITION FOR COORDINATION  
AND STIPULATION**

Pursuant to California Rules of Court, Rule 3.531(a), Plaintiffs Keith Edwards, Madeleine Chen, Marcial Castaneda, Daniel Foster, Dieisha Hodges, Craig Larsen, Claudia Ramey, and Jennifer Taylor and Defendants Amazon.com, Inc. and a2z Development Center, Inc., hereby give notice of a potential add-on case to Plaintiffs' petition for coordination (JCCP No. 5069) and Defendants' petition for coordination (JCCP No. 5071), as follows:

*Baca, et al. v. Amazon.com, Inc., et al.*, Case No. RG19046707, Superior Court of the State of California, County of Alameda (filed Dec. 12, 2019) ("*Baca*").

Like the other included actions subject to the Parties' pending petitions for coordination, *Baca* alleges the same cause of action under the California Invasion of Privacy Act, Cal. Penal Code Section 632 relating to use of Alexa-enabled devices. Defendants Amazon.com, Inc. and a2z Development Center, Inc. are the defendants in *Baca* and in each of the included actions. Plaintiffs in *Baca* are represented by the same law firm as the plaintiffs in each of the included actions.

NOW, THEREFORE, in accordance with California Rules of Court, Rule 3.531(b), the Parties to the included actions, and to *Baca*, hereby stipulate and agree that the add-on *Baca* case be deemed an included action for purposes of the hearing(s) on the petitions for coordination.

Dated: January 8, 2020

FENWICK & WEST LLP

By: Laurence F. Pulgram /ALB  
Laurence F. Pulgram

Attorneys for Petitioners  
AMAZON.COM, INC. and A2Z  
DEVELOPMENT CENTER, INC.

Dated: January 8, 2020

QUINN EMANUEL URQUHART & SULLIVAN, LLP

By: 

Joseph C. Sarles

Attorneys for Plaintiffs in *Baca* and the included actions

# Exhibit F



Def. 23

FENWICK & WEST LLP  
ATTORNEYS AT LAW

1 LAURENCE F. PULGRAM (CSB No. 115163)  
lpulgram@fenwick.com  
2 TYLER G. NEWBY (CSB No. 205790)  
tnewby@fenwick.com  
3 MOLLY R. MELCHER (CSB No. 272950)  
mmelcher@fenwick.com  
4 ARMEN N. NERCESSIAN (CSB No. 284906)  
anercessian@fenwick.com  
5 AVERY L. BROWN (CSB No. 313478)  
avery.brown@fenwick.com  
6 MARY GRIFFIN (CSB No. 324073)  
mgriffin@fenwick.com  
7 FENWICK & WEST LLP  
555 California Street, 12th Floor  
8 San Francisco, CA 94104  
Telephone: 415.875.2300  
9 Facsimile: 415.281.1350

10 Attorneys for Defendants  
AMAZON.COM, INC., and A2Z  
11 DEVELOPMENT CENTER, INC.

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA

15 AIMEE BACA, TRACEY BALDRIDGE,  
16 JAMES BARRY, TOLGA BAYIK, JOHN  
BORBA, TONIARIKA BRIDGES, CARIN  
17 ELLIOTT, RUBEN GOUVEIA, AUJHNAE  
HARRIS, CHARLES HEINBOCKEL, BRAD  
18 JOHNSON, MARCO LINDSEY, DAVID  
LOPEZ, MELISSA MARGOLIS, GRETCHEN  
19 MILES, KEITH MOORE, JACK PERRY,  
DUSTIN PODBORNY, SANDRA PORTER,  
20 and JESSICA STEWART,

21 Plaintiffs,

22 v.

23 AMAZON.COM, INC., a Delaware corporation,  
and A2Z DEVELOPMENT CENTER, INC., a  
24 Delaware corporation,

25 Defendants.

ENDORSED  
FILED  
ALAMEDA COUNTY

JAN 23 2020

CLERK OF THE SUPERIOR COURT  
By Alanna Hayman  
Deputy

Case No.: RG19046707

STIPULATION AND ~~PROPOSED~~  
ORDER TO STAY PROCEEDINGS

Date Action Filed: December 12, 2019

1 Plaintiffs Aimee Baca, Tracey Baldridge, James Barry, Tolga Bayik, John Borba,  
2 Toniarika Bridges, Carin Elliott, Ruben Gouveia, Aujihnae Harris, Charles Heinbockel, Brad  
3 Johnson, Marco Lindsey, David Lopez, Melissa Margolis, Gretchen Miles, Keith Moore, Jack  
4 Perry, Dustin Podborny, Sandra Porter, and Jessica Stewart ("Plaintiffs") and Defendants  
5 Amazon.com, Inc. and a2z Development Center, Inc. (collectively, "Defendants" and together  
6 with Plaintiffs, the "Parties") stipulate to stay discovery and the date by which Defendants must  
7 respond to Plaintiffs' complaint filed December 12, 2019 pending determination of one of the  
8 Parties' respective petitions to the Judicial Council of California for coordination pursuant to  
9 California Code of Civil Procedure § 404, JCCP Nos. 5069 or 5071 (whichever is resolved first).  
10 In support of this request, the Parties state as follows:

11 1. On December 12, 2019, Plaintiffs filed a complaint against Defendants.  
12 Defendants' response to the complaint is due January 21, 2020.

13 2. On October 30, 2019, pursuant to Code of Civil Procedure § 404, the Parties filed  
14 parallel petitions for coordination with the Judicial Council of California in connection with seven  
15 actions pending in California superior courts (JCCP Nos. 5069 and 5071). On October 31, 2019,  
16 in light of Plaintiff's petition, Defendants filed a notice of non-opposition to its Petition for  
17 Coordination, along with a request that those matters be stayed pending coordination. Plaintiffs'  
18 petition, JCCP No. 5069, was subsequently sent by the Judicial Council to the Presiding Judge of  
19 Alameda Superior Court for assignment. Because this action had not yet been filed at the time of  
20 the petitions for coordination, on January 8, 2020, the Parties jointly submitted to the Judicial  
21 Council a notice of add-on case and stipulation agreeing that this action should be treated as an  
22 included action for purposes of coordination proceedings. On January 10, 2020, Plaintiffs also  
23 submitted a notice of add-on case and the parties' stipulation to the Presiding Judge of Alameda  
24 Superior Court.


25 3. Having stipulated that this action is an included action for purposes of the pending  
26 coordination proceedings, the Parties also agree to stay this action in its entirety, including with  
27 respect to any responsive pleading, motion to compel arbitration, or discovery. A schedule for  
28 resuming this action, including the scheduling of a responsive pleading date and discovery will be

1 set in connection with the case management conference in the coordinated proceeding. If the  
2 Court were to find this matter should proceed independently, notwithstanding the parties'  
3 agreement that this action be deemed an included action for purposes of coordination, discovery  
4 will resume, and the responsive pleading, including a motion to compel arbitration, will be due 14  
5 days after any such decision or at another time to be set by the Court in its discretion.

6 NOW, THEREFORE, the Parties stipulate and request that the Court stay this action  
7 pending a decision on one of the Parties' pending petitions for coordination, JCCP Nos. 5069 or  
8 5071 (whichever is resolved first).

9 Dated: January 14, 2020

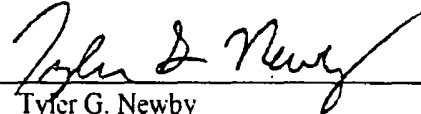
QUINN EMANUEL URQUHART & SULLIVAN, LLP

10 By:   
11 Joseph C. Sarles

12 Attorneys for Plaintiffs AIMEE BACA, ET AL.

13  
14 Dated: January 14, 2020

FENWICK & WEST LLP

15 By:   
16 Tyler G. Newby

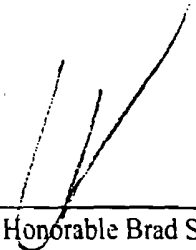
17 Attorneys for Petitioners/Defendants  
18 AMAZON.COM, INC., and  
19 A2Z DEVELOPMENT CENTER, INC.  
20  
21  
22  
23  
24  
25  
26  
27  
28

**[PROPOSED] ORDER**

Pursuant to the Parties' stipulated request for relief, this action is stayed pending determination of one of the Parties' respective petitions to the Judicial Council of California for coordination pursuant to California Code of Civil Procedure § 404, JCCP Nos. 5069 or 5071 (whichever is resolved first). A schedule for resuming this action, including the scheduling of a responsive pleading date and discovery, will be set in connection with the case management conference in the coordinated proceedings. If the Court were to find that this action should proceed independently, discovery will resume, and the responsive pleading date will be 14 days after any such decision or at another time to be set by the Court in its discretion. Pursuant to the Parties' stipulation, California Rule of Court, Rule 3.110(e), and California Code of Civil Procedure § 2019.020, good cause exists to stay discovery and the responsive pleading deadline in accordance with this order.

IT IS HEREBY ORDERED.

Dated: 1/22, 2020

  
The Honorable Brad Seligman  
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA

Case Number: RG19046707

Case Name: Baca v. Amazon.com, Inc.

RE: STIPULATION AND ORDER TO STAY PROCEEDINGS

---

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed: 01/22/2020

Alanna Hayman  
Courtroom Clerk, Dept. 23

Joseph C. Sarles Sean Taheri QUINN EMANUEL URQUHART & SULLIVAN, LLP 865 S. Figueroa Street, 10 <sup>th</sup> Floor Los Angeles, CA 90017 <a href="mailto:josephsarles@quinnemanuel.com">josephsarles@quinnemanuel.com</a> <a href="mailto:seantaheri@quinnemanuel.com">seantaheri@quinnemanuel.com</a>	<i>Attorneys for Plaintiffs</i>
Patrick Burns QUINN EMANUEL URQUHART & SULLIVAN, LLP 50 California Street, 22 <sup>nd</sup> Floor San Francisco, CA 94111 <a href="mailto:patrickburns@quinnemanuel.com">patrickburns@quinnemanuel.com</a>	<i>Attorneys for Plaintiffs</i>

<p>Laurence F. Pulgram Tyler G. Newby Molly R. Melcher Armen N. Nercessian Avery L. Brown Mary Griffin FENWICK &amp; WEST LLP 555 California Street, 12<sup>th</sup> Floor San Francisco, CA 94104 <a href="mailto:lpulgram@fenwick.com">lpulgram@fenwick.com</a> <a href="mailto:tnewby@fenwick.com">tnewby@fenwick.com</a> <a href="mailto:mmelcher@fenwick.com">mmelcher@fenwick.com</a> <a href="mailto:anercessian@fenwick.com">anercessian@fenwick.com</a> <a href="mailto:avery.brown@fenwick.com">avery.brown@fenwick.com</a> <a href="mailto:mgriffin@fenwick.com">mgriffin@fenwick.com</a></p>	<p><i>Attorneys for Defendants Amazon.com, Inc., and A2Z Development Center, Inc.</i></p>
--	---