

In The
Supreme Court of the United States

PIVOTAL SOFTWARE, INC., ET AL.,

Petitioners,

v.

SUPERIOR COURT OF CALIFORNIA, CITY AND COUNTY OF SAN FRANCISCO, ET AL.,

Respondents.

ON WRIT OF CERTIORARI TO
THE COURT OF APPEAL FOR THE STATE
OF CALIFORNIA, FIRST APPELLATE DISTRICT

**JOINT MOTION TO RECALENDAR ARGUMENT
AND HOLD PROCEEDINGS IN ABEYANCE**

Petitioners and respondents respectfully move the Court to remove this case from the oral argument calendar, suspend the briefing schedule, and hold in abeyance any further proceedings.¹ In support of this motion, the parties jointly state as follows:

1. The Court granted certiorari on July 2, 2021. Petitioners filed their opening brief on August 16, 2021. Respondents' brief is due on September 15, 2021. Oral argument is scheduled for November 9, 2021.
2. On August, 26, 2021, the parties reached an agreement in principle to settle this case, and the parties are now preparing the settlement documentation.

¹ The Superior Court of California is also a respondent but has not participated in the proceedings in this Court. All of the remaining respondents, who are the plaintiffs in the superior court proceedings, join this motion.

Because this case is a putative class action, the settlement will be subject to approval by the Superior Court of California. *See* Cal. Code Civ. P. § 382.

3. In the interest of conserving judicial resources, the parties jointly request that the Court remove the case from the oral argument calendar, suspend all upcoming briefing deadlines, and hold in abeyance any further proceedings while the parties take the steps required to obtain settlement approval, including filing motions, issuing notices, and attending hearings as required. The parties will cooperate in an effort to obtain superior court approval. They will provide this Court with a joint status report every 45 days, or at whatever interval the Court deems appropriate.


4. If the settlement becomes final, then the parties will jointly move the Court for voluntary dismissal of this case under Supreme Court Rule 46.1. Otherwise, the parties will propose a resumed briefing schedule and ask the Court to restore the case to the argument calendar.

August 27, 2021

By 

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Respectfully submitted,

By 

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CORPORATE DISCLOSURE STATEMENT

The corporate disclosure statements included in the petition for a writ of certiorari and the brief in opposition remain accurate for all parties.