

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHANEL, INC.,

Plaintiff and
Counterclaim-Defendant,

v.

THE REALREAL, INC.,

Defendant and
Counterclaim-Plaintiff.

Civil Action No. 1:18-cv-10626-VSB-
GWG

JOINT STIPULATION AND ORDER

Plaintiff and Counterclaim-Defendant Chanel, Inc. (“Chanel”) and Defendant and Counterclaim-Plaintiff The RealReal, Inc. (“TRR”) (collectively, the “Parties”), hereby submit this joint stipulation to stay the above-captioned action for three months pending mediation by the Parties.

In support thereof, the Parties state as follows:

1. On June 15, 2020, the Court entered a Case Management Plan and Scheduling Order (ECF No. 48). The Court has twice granted the Parties’ joint requests to extend the case schedule. (ECF Nos. 71, 99.) The Parties have not previously requested an extension or stay of remaining deadlines to pursue mediation.

2. Under the operative scheduling order, all fact discovery is to be completed no later than April 30, 2021, all depositions shall be completed by May 17, 2021, requests for admissions shall be served no later than April 15, 2021, all expert discovery shall be completed by August 13, 2021, all discovery shall be completed no later than August 13, 2021, and Judge Broderick will conduct a post-discovery conference on August 20, 2021. (ECF No. 99.)

3. Further, on February 25, 2021, TRR filed its Amended Answer, Affirmative Defenses, and Counterclaims. (ECF No. 120.) Chanel timely filed its motion to dismiss the counterclaims and motion to strike TRR's unclean hands affirmative defense on March 18, 2021. TRR timely responded to and opposed such motions on April 1, 2021. The Parties hereby agree that Chanel's deadline to reply and any decision by the Court on the motions should be postponed until after the stay contemplated herein concludes, at which time the parties, with the Court's endorsement, will set an updated schedule for submission of Chanel's reply on the motions.

4. The Court has required the Parties to "make affirmative attempts to settle this matter through discussions among counsel" (ECF No. 63 ¶ 5), and the Parties have attempted to do so. If the Parties are unable to settle the case by such means, the Parties are "required to use mediation to assist them in achieving settlement." (*Id.*) Pursuant to the Court's order requesting an update as to settlement discussions, on October 20, 2020, Chanel informed the Court that the Parties had agreed to conduct a private mediation, but that the Parties had not agreed as to a date to conduct such mediation, and that TRR had proposed a mediation date in "early 2021." (ECF No. 72.)

5. The Parties have now agreed to participate in a private mediation in order to maximize the likelihood of settlement and achieve a successful result.

6. Counsel for the Parties have met and conferred, and have agreed that a voluntary stay of three (3) months of all deadlines pending the outcome of mediation is desirable to promote economy of time and effort for the Court, for counsel, and for the litigants.

7. A three-month stay will save the Parties the expense of engaging in further document discovery, conducting fact depositions, conducting expert discovery, preparing dispositive motions and responses (including a decision on Chanel's motion to dismiss the counterclaims and motion to strike (and Chanel's replies thereto), as well as any motion for summary judgment by

either Party), and preparing for trial—all of which would be rendered moot by a successful mediation. Perhaps most significantly, a stay under the current circumstances would also promote judicial efficiency and appropriately marshal judicial resources of the Court. For clarity, the contemplated stay would not preclude any agreed-upon discovery produced by the Parties to the mediator.

8. The Parties further propose that they file a joint status report on or before the earlier of one week after the conclusion of the mediation or June 30, 2021, to advise the Court as to the status of the Parties' mediation efforts and/or whether and how a new case schedule should be entered.

9. The Parties, through counsel, hereby stipulate and respectfully jointly move this Court for the adoption of the Proposed Order attached hereto.

IT IS HEREBY STIPULATED AND AGREED by and between the parties and/or their respective counsel(s) that the Parties will enter into a three-month stay in order to participate in a private mediation.

Dated: April 2, 2021

Respectfully submitted,

**SHEPPARD, MULLIN, RICHTER &
HAMPTON, LLP**

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: /s/ Theodore C. Max

By: /s/

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*Attorneys for Defendant and Counterclaim-
Plaintiff The RealReal, Inc.*

So Ordered:

U.S.D.J.

Dated: April 2, 2021

Respectfully submitted,

**SHEPPARD, MULLIN, RICHTER &
HAMPTON, LLP**

**PAUL, WEISS, RIFKIND, WHARTON &
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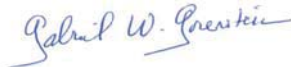
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So Ordered:



Gabriel W. Gorenstein
United States Magistrate Judge
April 5, 2021