

1 Scott A. Kamber (not yet admitted)
 skamber@kamberlaw.com
 2 David A. Stampley (not yet admitted)
 dstampley@kamberlaw.com
 3 KamberLaw, LLC
 100 Wall Street, 23rd Floor
 4 New York, New York 10005
 Telephone: (212) 920-3072
 5 Facsimile: (212) 920-3081

6 Avi Kreitenberg (SBN 266571)
 akreitenberg@kamberlaw.com
 7 KamberLaw, LLP
 1180 South Beverly Drive, Suite 601
 8 Los Angeles, California 90035
 Telephone: (310) 400-1050
 9 Facsimile: (310) 400-1056

10 Joseph H. Malley (not yet admitted)
 malleylaw@gmail.com
 11 Law Office of Joseph H. Malley
 1045 North Zang Blvd.
 12 Dallas, Texas 75208
 Telephone: (214) 943-6100
 13 Facsimile: (214) 943-6170

David C. Parisi, Esq. (162248)
 dparisi@parisihavens.com
 PARISI & HAVENS LLP
 15233 Valleyheart Drive
 Sherman Oaks, California 91403
 Telephone: (818) 990-1299
 Facsimile: (818) 501-7852

14 Attorneys for Plaintiffs

15 **UNITED STATES DISTRICT COURT**
 16 **CENTRAL DISTRICT OF CALIFORNIA**
 17

18 EDWARD VALDEZ, ALAN
 BONEBRAKE, BYRON GRIFFITH,
 19 MARY HUEBNER, JOSE
 20 MARQUEZ, BRITTANY SANCHEZ,
 GERARDO VALDEZ, AUSTIN
 21 MUHS, and KAYLA VALDEZ,
 Individually, on Behalf of Themselves
 22 and Others Similarly Situated,

23 Plaintiffs,

24 v.

25 QUANTCAST CORPORATION,
 26 MYSPACE, INC.; AMERICAN
 BROADCASTING COMPANIES,
 27 INC.; ESPN, INC.; HULU, LLC.;
 JIBJAB MEDIA, INC.; MTV
 28 NETWORKS, INC.; NBC

CASE NO.: 2:10-cv-05484-GW

**STIPULATION TO CONSOLIDATE
 AND CREATE ORGANIZATIONAL
 STRUCTURE FOR COUNSEL**

1 UNIVERSAL, INC.; and SCRIBD,)
2 INC.; Delaware Corporations,)
3 Defendants.)

4
5 IT IS HEREBY STIPULATED AND AGREED as follows:
6

7 WHEREAS, the related actions *Valdez, et al. v. Quantcast Corporation, et al.*,
8 Case No. 2:10-cv-05484-GW (C.D. Cal. filed July 23, 2010) and *Aguirre v.*
9 *Quantcast Corporation, et al.*, Case No. 2:10-cv-05716-GW (C.D. Cal filed July 30,
10 2010) (collectively the “Actions”) are pending before this Court; and,
11

12 WHEREAS, counsel for the plaintiffs have each concluded that it is in the best
13 interests of the respective parties and absent putative class members that the above
14 captioned actions be consolidated for all purposes and proceed as contemplated
15 herein; and,
16

17 WHEREAS, all served parties, through their respective counsel, have
18 stipulated to the terms provided herein; and
19

20 WHEREAS, the existence of common questions of law and fact between the
21 two Actions now pending before this Court, the interests of fair and efficient
22 administration of the Actions and the avoidance of unnecessary duplicative efforts,
23 warrants the consolidation of the Actions, establishment of an organizational
24 structure for plaintiffs’ counsel, and the setting of a status conference to discuss,
25 among other things, schedules for the filing of pleadings, opportunities for early
26 resolution, motion practice and discovery, and good cause appearing therefor;
27

28 WHEREAS, the parties request that this Court enter an order as follows:

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

I. CONSOLIDATION AND TREATMENT OF SUBSEQUENT ACTIONS

1. The Court finds that *Valdez, et al. v. Quantcast Corporation, et al.*, Case No. 2:10-cv-05484-GW (C.D. Cal. filed July 23, 2010) and *Aguirre v. Quantcast Corporation, et al.*, Case No. 2:10-cv-05716-GW (C.D. Cal filed July 30, 2010) are related actions and such cases are hereby consolidated into *Valdez, et al. v. Quantcast Corporation, et al.*, Case No. 2:10-cv-05484-GW, and are referred to herein as the Consolidated Action. Each document filed by a party to this litigation shall bear the following caption:

In Re Quantcast Advertising Cookie Litig. No. 2:10-cv-05716-GW

2. The terms of this Order shall apply to actions instituted in, removed to, or transferred to this Court that involve the same or substantially similar issues of law and fact, which shall be consolidated into the Consolidated Action., unless a party in such newly-filed or transferred action objects to consolidation, as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application.

3. Counsel shall call to the attention of the Court and the Clerk the filing or transfer of any case that might properly be consolidated with the Consolidated Action. Mailing or other delivery of a copy of this Order by Defendants’ counsel or Plaintiffs’ Counsel (see II., below), as appropriate, to the counsel in any newly filed or transferred actions shall constitute valid notice thereof for purposes of establishing its applicability to such action in accordance herewith.

1 4. No later than twenty (20) days after entry of this Case Management
2 Order, Interim Class Counsel shall file a Consolidated Amended Complaint. No
3 defendant in the Actions shall be required to respond to any currently filed complaint
4 in the Actions.

5 5. Quantcast Corporation shall answer or move against the Consolidated
6 Amended Complaint within thirty (30) days after the filing of such Consolidated
7 Amended Complaint. Should Quantcast Corporation move to dismiss the
8 Consolidated Amended Complaint, Interim Class Counsel shall file an opposition no
9 later than the forty-fifth (45) day after the date on which the motion to dismiss was
10 filed, and Quantcast Corporation will file a reply memorandum no later than the
11 twenty-first (21) day after the filing of the opposition.
12

13 6. Any defendants named in the Consolidated Amended Complaint, other
14 than Quantcast Corporation, will answer or move against the Consolidated Amended
15 Complaint either (a) thirty (30) days after Quantcast Corporation answers the
16 Consolidated Amended Complaint; or (b) should Quantcast Corporation move to
17 dismiss the Consolidated Amended Complaint rather than answering, thirty (30) days
18 after the Court enters a decision respecting Quantcast Corporation's motion to
19 dismiss. Until such time as those other defendants answer or move against the
20 Consolidated Amended Complaint, the case against them shall be considered stayed
21 for all purposes.
22

23 7. Defendant Quantcast Corporation and Plaintiffs shall serve their Initial
24 Disclosures within fourteen (14) days of the filing of Quantcast Corporation's answer
25 or responsive pleading to the Consolidated Amended Complaint.

26 9. The Parties will submit a proposed Alternative Dispute Resolution
27 program within 30 days of the filing of the Consolidated Amended Complaint.
28

1 **II. ORGANIZATION OF PLAINTIFFS' COUNSEL**

2
3 1. Under Federal Rule of Civil Procedure 23(g)(2), inter alia, Interim Class
4 Counsel shall be KamberLaw, LLC (see Firm Resume attached hereto). Interim
5 Class Counsel, acting on behalf of plaintiffs, shall have the duties as set forth in the
6 Manual for Complex Litigation, 3rd ed., including the following:

- 7 a. To coordinate all proceedings, including preparing, structuring, and
8 presenting pretrial and other management-related orders;
- 9 b. To encourage full cooperation and efficiency among all counsel;
- 10 c. To create any necessary committees and appoint committee chairs and
11 otherwise delegate responsibilities for specific tasks in a manner to assure that
12 pretrial and trial preparation is conducted effectively, efficiently, and economically;
- 13 d. To delegate work responsibilities and monitor the activities of counsel to
14 ensure that schedules are met and unnecessary expenditures of time and
15 expense are avoided;
- 16 e. To act as spokespersons at all court conferences;
- 17 f. To call meetings of themselves and/or other counsel as appropriate or
18 necessary from time to time;
- 19 g. To initiate and conduct settlement negotiations with counsel for the
20 Defendants;
- 21 h. To determine Plaintiffs position on all matters arising during this
22 litigation (after such consultation with other counsel as they deem appropriate)
23 and present such position orally and/or in writing to the Court and opposing
24 parties;
- 25 i. To consult with and employ experts, as necessary;
- 26 j. To initiate, coordinate and conduct discovery;
- 27 k. To represent Plaintiffs at trial and on any appeal of this matter;
- 28 l. To negotiate and execute agreements with local counsel or other

1 cooperating attorneys;

2 m. To determine the fee that local counsel and liaison counsel are entitled
3 to; and

4 n. To perform such other duties as are necessary in connection with the
5 prosecution of this litigation.

6
7 2. Interim Class Counsel shall be the contact between plaintiffs' counsel
8 and defendants' counsel as well as the spokespersons for plaintiffs' counsel. All
9 agreements reached with Interim Class Counsel shall be binding on all other
10 plaintiffs' counsel in the Consolidated Action.

11
12 3. Interim Class Counsel are hereby designated as the counsel for plaintiffs
13 in the Consolidated Action upon whom all notices, orders, pleadings, motions,
14 discovery, and memoranda relating to the Consolidated Action shall be served, and
15 defendants shall effect service of papers on plaintiffs in the consolidated Action by
16 serving Interim Class Counsel.

17
18 4. No motion or request for discovery shall be served or filed by plaintiffs,
19 or other pretrial proceedings initiated by plaintiffs, except by or with the
20 authorization of Interim Class Counsel.

21
22 5. The organization structure set forth in this section applies to all
23 plaintiffs' counsel in the Consolidated Action, including any action subsequently
24 governed by this Order.

25
26 6. No communications among plaintiffs' counsel shall be taken as a waiver
27 of any privilege or protection to which they would otherwise be entitled.

28

1 DATED: September 13, 2010

PARISI & HAVENS LLP

2

3

4

By:____s/David C. Parisi_____
David C. Parisi
Attorneys for Plaintiffs Edward
Valdez, Alan Bonebrake, Byron
Griffith, Mary Huebner, Jose
Marquez, Brittany Sanchez, Gerardo
Valdez, Austin Muhs, And Kayla
Valdez, Individually, On Behalf Of
Themselves And Others Similarly
Situated,

5

6

7

8

9

10 DATED: September 13, 2010

KAMBERLAW, LLC

11

12

13

By:____s/Scott A. Kamber_____
Scott A. Kamber
(pro hac vice application to be filed)
Attorneys for Plaintiff Jennifer
Aguirre, on Behalf of Herself and
All Others Similarly Situated

14

15

16

17

DATED: September 13, 2010

KAMBERLAW, LLP

18

19

20

By:____s/Avi Kreitenberg_____
Avi Kreitenberg
Attorneys for Plaintiff Jennifer
Aguirre, on Behalf of Herself and
All Others Similarly Situated

21

22

23

DATED: September 13, 2010

DEBEVOISE & PLIMPTON LLP

24

25

26

By:____s/Jeffrey S. Jacobson_____
Jeffrey S. Jacobson
(pro hac vice application to be filed)
Attorneys for American
Broadcasting Companies, Inc., ESPN
Inc., Hulu, LLC, Jibjab Media, Inc.,

27

28

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

MTV Networks, Inc., NBC
Universal, Inc., and Scribd, Inc

DATED: September 13, 2010

DURIE TANGRI LLP

By: ___s/Michael H. Page_____
Michael H. Page
Attorneys for Quantcast Corporation