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MEDIA, INC.

14
15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17 WESTERN DIVISION
18

19 GENEVIVE LA COURT; DEIRDRE
20 HARRIS; CAHILL HOOKER; BILL
21 LATHROP; JUDY STOUGH; and E.H., a
22 minor, by and through her parent, JEFF
HALL; individually, on behalf of
themselves and others similarly situated,

23 Plaintiffs,

24 v.

25 SPECIFIC MEDIA, INC., a Delaware
26 Corporation,

27 Defendant.
28

Case No. 8:10-cv-01256-GW (JCGx)

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

Honorable George H. Wu

1 IT IS HEREBY STIPULATED AND AGREED as follows:

2 WHEREAS, the related actions *Genevive La Court, et al. v. Specific Media,*
3 *Inc.*, Case No. 8:10-cv-01256-GW (JCGx) (C.D. Cal. filed Aug. 19, 2010) and
4 *Kaufman v. SpecificMedia, Inc.*, Case No. 8:10-cv-01891-JVS (RNBx) (C.D. Cal.
5 filed Dec. 13, 2010) (collectively the “Actions”) are both pending in the United States
6 District Court for Central District of California; and,

7 WHEREAS, the Actions are “related cases” within the meaning of Local Rule
8 83-1.3.1, and the parties are therefore filing a Notice of Related Cases requesting that
9 the *Kaufman* matter be transferred to this Court;

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

14 WHEREAS, all served parties, through their respective counsel, have stipulated
15 to the terms provided herein; and

16 WHEREAS, the existence of common questions of law and fact between the
17 two Actions now pending before this Court, the interests of fair and efficient
18 administration of the Actions and the avoidance of unnecessary duplicative efforts,
19 warrants the consolidation of the Actions, establishment of an organizational structure
20 for Plaintiffs’ counsel, among other things, schedules for the filing of pleadings,
21 opportunities for early resolution, motion practice and discovery, and good cause
22 appearing therefor;

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

24 **I. CONSOLIDATION AND TREATMENT OF SUBSEQUENT ACTIONS**

25 1. The Court finds that *Genevive La Court, et al. v. Specific Media, Inc.*,
26 Case No. 8:10-cv-01256-GW (JCGx) (C.D. Cal. filed Aug. 19, 2010) and *Kaufman v.*
27 *SpecificMedia, Inc.*, Case No. 8:10-cv-01891-JVS (RNBx) (C.D. Cal. filed Dec. 13,
28 2010) are related actions, the *Kaufman* action is hereby transferred to this Court, and

1 the Actions are hereby consolidated into *Genevive La Court, et al. v. Specific Media,*
2 *Inc.*, Case No. 8:10-cv-01256-GW (JCGx), and are referred to herein as the
3 Consolidated Action. Each document filed by a party to this litigation shall bear the
4 following caption:

5 _____
6 In Re Specific Media Flash Cookie Litig. No. 8:10-cv-01256-GW (JCGx)
7 _____

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

16 3. Counsel shall call to the attention of the Court and the Clerk the filing or
17 transfer of any case that might properly be consolidated with the Consolidated Action.
18 Mailing or other delivery of a copy of this Order by Defendant Specific Media, Inc.'s
19 ("Specific Media" or "Defendant") counsel or Plaintiffs' Counsel (see II., below), as
20 appropriate, to the counsel in any newly filed or transferred actions shall constitute
21 valid notice thereof for purposes of establishing its applicability to such action in
22 accordance herewith.

23 4. Interim Class Counsel shall file a Consolidated Amended Complaint by
24 January 7, 2011. Specific Media shall not be required to respond to any currently filed
25 complaint in the Actions.

26 5. Specific Media shall answer or move against the Consolidated Amended
27 Complaint within thirty (30) days after the filing of such Consolidated Amended
28 Complaint.

6. Defendant Specific Media and Plaintiffs shall serve their Initial Disclosures within fourteen (14) days of the filing of Specific Media's answer or responsive pleading to the Consolidated Amended Complaint.

II. ORGANIZATION OF PLAINTIFFS' COUNSEL

1. Under Federal Rule of Civil Procedure 23(g)(2), inter alia, Interim Class Counsel shall be Scott A. Kamber of KamberLaw, LLC and David C. Parisi of Parisi & Havens LLP. Interim Class Counsel, acting on behalf of plaintiffs, shall have the duties as set forth in the Manual for Complex Litigation, 3rd ed., including the following:

- a. To coordinate all proceedings, including preparing, structuring, and presenting pretrial and other management-related orders;
- b. To encourage full cooperation and efficiency among all counsel;
- c. To create any necessary committees and appoint committee chairs and otherwise delegate responsibilities for specific tasks in a manner to assure that pretrial and trial preparation is conducted effectively, efficiently, and economically;
- d. To delegate work responsibilities and monitor the activities of counsel to ensure that schedules are met and unnecessary expenditures of time and expense are avoided;
- e. To act as spokespersons at all court conferences;
- f. To call meetings of themselves and/or other counsel as appropriate or necessary from time to time;
- g. To initiate and conduct settlement negotiations with counsel for the Defendant;
- h. To determine Plaintiffs' position on all matters arising during this litigation (after such consultation with other counsel as they deem appropriate) and present such position orally and/or in writing to the Court and opposing parties;

- 1 i. To consult with and employ experts, as necessary;
2 j. To initiate, coordinate and conduct discovery;
3 k. To represent Plaintiffs at trial and on any appeal of this matter;
4 l. To negotiate and execute agreements with local counsel or other
5 cooperating attorneys;
6 m. To determine the fee that local counsel and liaison counsel are
7 entitled to; and
8 n. To perform such other duties as are necessary in connection with
9 the prosecution of this litigation.

10 2. Interim Class Counsel shall be the contact between Plaintiffs' counsel
11 and Defendant's counsel as well as the spokespersons for Plaintiffs' counsel. All
12 agreements reached with Interim Class Counsel shall be binding on all other
13 Plaintiffs' counsel in the Consolidated Action.

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

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

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

25 ///

26 ///

27 ///

1 6. No communications among Plaintiffs' counsel shall be taken as a waiver
2 of any privilege or protection to which they would otherwise be entitled.

3
4 Dated: December 20, 2010

PARISI & HAVENS LLP

5 By: David C. Parisi w/ permission
6 David C. Parisi

7 Attorneys for Plaintiffs Genevive La Court;
8 Deirdre Harris; Cahill Hooker; Bill Lathrop;
9 Judy Stough; and E.H., a minor, by and through
her parent, Jeff Hall, individuals, on behalf of
themselves and others similarly situated

10 Dated: December 20, 2010

KAMBERLAW, LLC

11 By: Scott A. Kamber w/ permission
12 Scott A. Kamber

13 (pro hac vice application to be filed)
14 Attorneys for Plaintiff Stefen Kaufman, an
15 individual, on behalf of himself and all others
16 similarly situated

17 Dated: December 20, 2010

GIBSON, DUNN & CRUTCHER LLP

18
19 By: /s/ Jeffrey H. Reeves
20 Jeffrey H. Reeves
21 Attorneys for Defendant Specific Media, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that, on December 20, 2010, he caused this document to be electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of filing to counsel of record for each party.

Dated: December 20, 2010

GIBSON, DUNN & CRUTCHER LLP

By: /s/ Jeffrey H. Reeves

Jeffrey H. Reeves

Attorneys for Defendant Specific Media, Inc.