

1 Kent J. Schmidt (SBN 195969)
 schmidt.kent@dorsey.com
 2 DORSEY & WHITNEY LLP
 600 Anton Boulevard, Ste. 2000
 3 Costa Mesa, CA 92626
 Telephone: (714) 800-1445
 4 Facsimile: (714) 800-1499

5 Jonathan M. Herman (admitted *pro hac vice*)
 herman.jonathan@dorsey.com
 6 DORSEY & WHITNEY LLP
 51 West 52nd Street
 7 New York, NY 10019-6119
 Telephone: (212) 415-9247
 8 Facsimile: (646) 607-0943

9 F. Matthew Ralph (admitted *pro hac vice*)
 ralph.matthew@dorsey.com
 10 DORSEY & WHITNEY LLP
 50 S. Sixth Street, Suite 1500
 11 Minneapolis, MN 55402
 Telephone: (612) 492-6964
 12 Facsimile: (952) 516-5574

13 Attorneys for Defendants Penguin Group (USA) Inc.,
 14 G.P. Putnam’s Sons, and The Berkley Publishing Group

15 *(See Signature Page for Additional Parties and Counsel)*

16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**

18 ROB STUTZMAN, JONATHAN WHEELER,
 19 GLORIA LAURIA, DAVID REIMERS and
 SCOTT ARMSTRONG, on behalf of
 themselves and all others similarly situated,

20 Plaintiffs,

21 vs.

22 LANCE ARMSTRONG; PENGUIN GROUP
 (USA), INC.; G.P. PUTNAM’S SONS; THE
 23 BERKLEY PUBLISHING GROUP;
 RANDOM HOUSE, INC.; BROADWAY
 24 BOOKS; CROWN PUBLISHING GROUP;
 THOMAS W. WEISEL; WILLIAM J.
 25 STAPLETON; and DOES 1-50, inclusive,

26 Defendants.
 27
 28

CASE No. 2:13-cv-00116-MCE-KJN

*Assigned for all purposes to the Honorable
 Morrison C. England, Jr.*

**JOINT STIPULATION AND ORDER RE
 CONTINUANCE OF HEARING ON
 DEFENDANTS’ MOTIONS TO DISMISS
 PLAINTIFFS’ FIRST AMENDED CLASS
 ACTION COMPLAINT**

1 **JOINT STIPULATION**

2 Plaintiffs Rob Stutzman, Jonathan Wheeler, Gloria Lauria, David Reimers and Scott Armstrong
3 (collectively, "Plaintiffs"); Defendants Penguin Group (USA) Inc. ("Penguin"), also sued as G.P.
4 Putnam's Sons and The Berkley Publishing Group; Random House, Inc. ("Random House"), also sued
5 as Broadway Books and Crown Publishing Group; Lance Armstrong; Thomas W. Weisel; and William
6 J. Stapleton (collectively, "Defendants") (all collectively referred to as the "Parties"), by and through
7 their undersigned counsel, hereby stipulate and agree as follows:

8 WHEREAS, on March 7, 2013, Plaintiffs filed a First Amended Class Action Complaint (the
9 "Complaint"), which is the operative pleading in this action;

10 WHEREAS, in response to Plaintiffs' Complaint, each party Defendant has filed a Motion to
11 Dismiss ("Defendants' Motions to Dismiss") (ECF Nos. 37, 41, 46, 53 and 56), all of which have been
12 fully briefed and are pending before the Court;

13 WHEREAS, on June 6, 2013, the Court entered a Stipulation and Order rescheduling the
14 hearing on Defendants' Motions to Dismiss to August 8, 2013 (ECF No. 58);

15 WHEREAS, on August 6, 2013, on the Court's own motion, the hearing on Defendants'
16 Motions to Dismiss was vacated and continued to September 5, 2013, at 2:00 p.m. in Courtroom 7
17 (ECF No. 100);

18 WHEREAS, one or more of the attorneys on this case observes the Jewish New Year, Rosh
19 Hashanah, which begins September 4 and ends September 6, 2013;

20 WHEREAS, the Parties were informed on August 6, 2013, by Stephanie Deutsch, Courtroom
21 Deputy to Chief Judge England, that available alternative dates on Chief Judge England's calendar are
22 October 3 and 31, November 14, and December 5 and 19; and

23 WHEREAS, the Parties have conferred and agree that the first date among those mentioned by
24 Ms. Deutsch on which all counsel for the Parties are available for the hearing on Defendants' Motions
25 to Dismiss is December 5, 2013, and they are all in agreement to seek an adjournment of the hearing
26 on Defendants' Motions to Dismiss to that date.

1 IT IS HEREBY STIPULATED AND AGREED THAT:

2 The hearing on Defendants' Motions to Dismiss should be vacated and continued from
3 September 5, 2013 to December 5, 2013.

4
5 DATED: August 22, 2013

By: /s/ Kevin P. Roddy

6 Kevin P. Roddy
7 Eric J. Marcy
8 WILENTZ, GOLDMAN & SPITZER, P.A.

Tracey Stevens Buck-Walsh
LAW OFFICE OF TRACEY BUCK-WALSH

Clyde Talbot Turner
TURNER & ASSOCIATES P.A.

Henry H. Rossbacher
THE ROSSBACHER FIRM

12 Attorneys for Plaintiffs
13 ROB STUTZMAN, JONATHAN WHEELER,
14 GLORIA LAURIA, DAVID REIMERS and SCOTT
15 ARMSTRONG

16
17 DATED: August 22, 2013

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Zia F. Modabber

18 Zia F Modabber
19 Gregory S. Korman
20 Andrew J. Demko
21 Attorneys for Defendant
22 LANCE ARMSTRONG

23
24 DATED: August 22, 2013

DORSEY & WHITNEY LLP

By: /s/ Kent J. Schmidt

25 Kent J. Schmidt
26 Jonathan M. Herman
27 F. Matthew Ralph
28 Attorneys for Defendants
PENGUIN GROUP (USA) INC., G.P. PUTNAM'S
SONS and THE BERKLEY PUBLISHING GROUP

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

DATED: August 22, 2013

SIDLEY AUSTIN LLP

By: /s/ Stephen G. Contopulos
Stephen G. Contopulos
Bradley H. Ellis
Attorneys for Defendants
RANDOM HOUSE, INC., BROADWAY BOOKS
and CROWN PUBLISHING GROUP

DATED: August 22, 2013

SULLIVAN & CROMWELL LLP

By: /s/ Robert A. Sacks
Robert A. Sacks
Brendan P. Cullen
John D. Echeverria
Attorneys for Defendant
THOMAS W. WEISEL

DATED: August 22, 2013

SCHEPER KIM & HARRIS LLP

By: /s/ Marc S. Harris
Marc S. Harris
William H. Forman
Margaret E. Dayton
Attorneys for Defendant
WILLIAM J. STAPLETON

ORDER

Pursuant to the parties' stipulation and good cause appearing therefrom, the Court hereby orders that the hearings on Defendants' Motions to Dismiss (ECF Nos. 37, 41, 46, 53, and 56), currently scheduled for September 5, 2013, are vacated and **continued to December 5, 2013 at 2:00 p.m., in Courtroom 7.**

IT IS SO ORDERED.

Dated: August 30, 2013



MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

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