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13 Attorneys for Defendants

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **SAN FRANCISCO DIVISION**

18 PETER RUDOLPH, individually and on
 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 UTSTARCOM, HONG LIANG LU, YING
 22 WU, MICHAEL SOPHIE, FRANCIS
 23 BARTON, AND THOMAS TOY,

24 Defendants.

) Case No. 3:07-CV-04578-SI
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)
)

) **JOINT STIPULATION AND**
) **[PROPOSED] ORDER REGARDING**
) **DEFENDANT YING WU'S MOTION TO**
) **DISMISS PLAINTIFFS' SECOND**
) **AMENDED COMPLAINT PURSUANT**
) **TO FED. R. CIV. P. 12(b)(5) and 4(m)**
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)
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1 WHEREAS, on November 17, 2008, Defendant Ying Wu ("Defendant Wu") filed his
2 Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to Fed. R. Civ. P.
3 12(b)(5) and 4(m) ("motion");

4 WHEREAS, the motion is presently set for hearing before this Court on January 23,
5 2009;

6 WHEREAS, based on this hearing date, Plaintiff's opposition to the motion is due
7 January 2, 2009, and Defendants reply is due January 9, 2009;

8 WHEREAS, due to a scheduling conflict, Plaintiff seeks to continue the hearing until
9 February 6, 2009, with the briefing schedule moved in accordance with the new hearing date;

10 WHEREAS, counsel for Plaintiff and Defendants have met and conferred and have
11 agreed to the briefing schedule set forth below;

12 NOW THEREFORE, the parties respectfully request, for good cause shown, that the
13 Court agree to the following briefing and hearing schedule for the motion:

- 14 (a) Plaintiff's opposition to Defendant Wu's motion to dismiss is due on January
15 9, 2009;
- 16 (b) Defendants' reply is due on January 23, 2009; and
- 17 (c) The hearing on Defendant Wu's motion to dismiss shall be set for February 6,
18 2009.

19
20 Dated: December 23, 2008

FINKELSTEIN THOMPSON LLP

21 By: /s/ Mark Punzalan

22 Mark Punzalan

23 *Counsel for Plaintiffs*

24 Dated: December 23, 2008

WILSON SONSINI GOODRICH & ROSATI

25 By: /s/ Bryan J. Ketroser

26 Bryan J. Ketroser

27 *Attorneys for Defendants*

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JOINT STIPULATION AND [PROPOSED] ORDER
REGARDING DEFENDANT YING WU'S MOTION TO DISMISS

3:07-CV-04578-SI

[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT:

1. Plaintiff's opposition to Defendant Wu's motion to dismiss is due on January 9, 2009;
2. Defendants' reply is due on January 23, 2009; and
3. The hearing on Defendant Wu's motion to dismiss shall be set for February 6, 2009.

IT IS SO ORDERED.

Date: _____



The Honorable Susan Illston
United States District Court Judge

1 I, Mark Punzalan, am the ECF User whose identification and password are being
2 used to file the Joint Stipulation and [Proposed] Order Regarding Defendant Ying Yu's
3 Motion to Dismiss Plaintiffs' Second Amended Complaint Pursuant to Fed. R. CIV. P. 12(b)
4 and 4(m). I hereby attest that Bryan J. Ketrosier have concurred in this filing.

5 Dated: December 23, 2008

FINKELSTEIN THOMPSON LLP

7 By: /s/ Mark Punzalan
Mark Punzalan

8 Attorneys for Plaintiff
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