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13	Specially Appearing Defendant YAHOO!, H KONG, LTD.		
14			
15	UNITED STATES DISTRICT COURT		
16	NORTHERN DISTRICT OF CALIFORNIA		
17	SAN FRANCISCO DIVISION		
18			
19	CUNZHU ZHENG, et al,	Case No. C08-01068 MMC	
20	Plaintiffs,	STIPULATION AND PROPOSED ORDER FOR PLAINTIFFS TO FILE SECOND AMENDED COMPLAINT AND TO CHANGE TIME FOR DEFENDANTS TO	
21	v.		
22	YAHOO, INC., et al.,	RESPOND	
23	Defendants.	AND ORDER SETTING DEADLINE TO COMPLETE MEDIATION	
24			
25			
26			
27			
28			
	C08-01068 MMC STIP. TO FILE SECOND AM. COMPL. AND TO CHANGE TIME FOR DEF. TO RESP.		

## STIPULATION

This stipulation is entered by and through plaintiffs Cunzhu Zheng, Quan Guo, and the China Democracy Party ("Plaintiffs") and defendant Yahoo!, Inc. and specially appearing defendant Yahoo! Hong Kong, Ltd. ("Defendants"),1 through their respective undersigned counsel, with reference to the following facts:

- Plaintiffs filed an initial complaint in this case on February 22, 2008. Plaintiffs 1) filed a First Amended Complaint on June 16, 2008, prior to serving the Yahoo! defendants.
  - Plaintiffs now wish to file a Second Amended Complaint, attached as Exhibit A. 2)
- Pursuant to Rules 15(a)(2) and 4(d)(5) of the Federal Rules of Civil Procedure, 3) Defendants are willing to stipulate to plaintiffs' filing the Second Amended Complaint, and waive service of the same. Defendants reserve all rights regarding the Second Amended Complaint, including the right to move to dismiss on any basis, including but not limited to that Plaintiffs have failed to state a claim, and that this Court lacks subject matter and personal jurisdiction.
- The parties and the Court had previously contemplated that the Second Amended 4) Complaint would be filed February 6, 2009, with defendants' response due April 3, 2009. Because the Second Amended Complaint is actually being filed later than February 6, 2009, and because of the parties' respective scheduling conflicts (including competing trial obligations and an administrative matter to which plaintiffs' counsel must attend), the parties hereby stipulate to the following schedule for Defendants to respond to Plaintiffs' Second Amended Complaint:
  - February 27, 2009 Plaintiffs file Second Amended Complaint
  - May 1, 2009 Defendants file planned Motion to Dismiss
  - June 5, 2009 Plaintiffs file any opposition to Defendants' Motion to Dismiss
  - June 12, 2009 Defendants file any reply supporting Defendants' Motion to Dismiss
  - June 26, 2009 Hearing on Defendants' Motion to Dismiss (the Court's schedule permitting)

O FILE SECOND AM. COMPL. AND TO CHANGE TIME FOR DEF. TO RESP.

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By joining this stipulation, specially appearing defendant Yahoo! Hong Kong, Ltd., does not waive its right to assert lack of personal jurisdiction in the Northern District of California.

- 5) Here is the prior schedule the Court had set in place:
  - February 6, 2009 Plaintiffs file Second Amended Complaint
  - April 3, 2009 Defendants file response to Second Amended Complaint
  - May 8, 2009 Tentative Hearing Date for Defendants' planned Motion to Dismiss
- 6) The parties submit that the proposed changes to the schedule set forth in paragraph 4 above will have a minimal impact on the overall scheduling of the case. The parties have not previously requested a change in the briefing schedule regarding the planned Motion to Dismiss. The Initial Case Management Conference was held on January, 16, 2009.<sup>2</sup> The next status conference is set for July 24, 2009.

NOW, THEREFORE, PURSUANT TO F.R.C.P. 15 AND CIVIL LOCAL RULES 6-2, 7-12 AND 10-1, IT IS HEREBY AGREED AND STIPULATED that:

Plaintiffs shall be permitted to file the attached Second Amended Complaint and shall do so on February 27, 2009. Defendants shall respond to the Second Amended Complaint by May 1, 2009. In the event Defendants file a Motion to Dismiss the Second Amended Complaint, the hearing on that Motion will be June 26, 2009. Plaintiffs' opposition to the motion shall be due by June 5, 2009, and Defendants' reply by June 12, 2009.

<sup>&</sup>lt;sup>2</sup> The Initial Case Management Conference was continued from June 27, 2008, to August 22, 2008, prior to service of Defendants; from August 22, 2008, to September 26, 2008, by joint stipulated request; from September 26, 2008, to November 21, 2008, by this Court's order, and from November 21, 2008 to January 16, 2009, by joint stipulated request.

STIP. TO FILE SECOND AM. COMPL. AND
TO CHANGE TIME FOR DEF. TO RESP.

1	Dated: February 19, 2009	
2	PATRICK J. MANSHARDT SOUTHWESTERN LEGAL FOUNDATION	
3	SOUTHWESTERN LEGAL FOUNDATION	
4	By:	
5	Patrick J. Manshardt	
6	Attorney for Plaintiffs CUNZHU ZHENG, QUAN GUO, and the CHINA DEMOCRACY PARTY	
7	Dated: February 19, 2009	
8		
9	DANIEL M. PETROCELLI MATTHEW T. KLINE O'MELVENY & MYERS LLP	
10		
11	Du Du	
12	Daniel M. Petrocelli	
13	Attorneys for Defendant YAHOO!, INC. and Specially Appearing Defendant YAHOO! HONG KONG, LTD.	
14	nond Rond, 275.	
15		
16	ORDER [Proposed]	
17	Pursuant to stipulation, IT IS SO ORDERED. IT IS FURTHER ORDERED that the	
18	deadline to complete mediation is October 2, 2009.  SIGNED on the _26th_ day of	
19	•	
20	The Honorable Maxine M. Chesr	
21	Judge, United States District Court for the Northern District	
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	C08-01068 MMC STIP. TO FILE SECOND AM. COMPL. AND TO CHANGE TIME FOR DEF. TO RESP 4 -	