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9 Attorneys for Plaintiffs

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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 GEOFFREY PECOVER and JEFFREY)
 15 LAWRENCE, on behalf of themselves and a)
 class of person similarly situated,)
 16)
 Plaintiffs,)
 17)
 v.)
 18)
 ELECTRONIC ARTS, INC., a Delaware)
 19 Corporation,)
 20 Defendant.)
 21 _____)

No. 08-cv-02820 VRW
 STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING TIME FOR
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATION
 ACTION FILED: June 5, 2008

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1 WHEREAS Plaintiffs filed the complaint in this action on June 5, 2008;

2 WHEREAS on August 25, 2008, Defendant moved to dismiss the complaint, which
3 Plaintiffs thereafter opposed and arguments on which were heard by this Court on November 4,
4 2008;

5 WHEREAS on June 5, 2009, this Court granted in part, and denied in part, Defendant's
6 motion to dismiss (Doc. # 40);

7 WHEREAS the parties are currently cooperating in the production of discovery, including
8 responses to multiple sets of requests for production of documents and special interrogatories;

9 WHEREAS Electronic Arts has produced over 178,000 pages of documents to date, and
10 Plaintiffs and Plaintiffs' expert witness are still in the process of reviewing those documents;

11 WHEREAS Defendant is producing approximately 114,000 documents this week in
12 response to Plaintiffs' requests, which Defendant estimates in good faith to total over 500,000
13 pages;

14 WHEREAS depositions related to class certification pursuant to Federal Rule of Civil
15 Procedure 30(b)(6) are currently scheduled for September 2nd and 4th and Plaintiffs anticipate
16 noticing at least one additional deposition related to class certification;

17 WHEREAS on March 16, 2009, Plaintiffs filed a letter brief to the Court requesting
18 resolution of a dispute regarding the relevant time period of discovery in this action, which this
19 Court referred to Magistrate Zimmerman for resolution, and which Magistrate Judge Zimmerman
20 resolved on August 19, 2009 in the Third Discovery Order (Doc. # 64);

21 WHEREAS Plaintiffs intend to file an objection to the Third Discovery Order with this
22 Court pursuant to Civil L.R. 72 and Federal Rule of Civil Procedure 72(a);

23 WHEREAS Plaintiffs have served 14 subpoenas on third parties requesting documents,
24 including pricing information relevant to Plaintiffs' expert's analysis for class certification, and the
25 production of documents from these third parties is not complete;

26 WHEREAS after receiving only thirteen pages of documents in response to their subpoena
27 from the Collegiate Licensing Company and being informed by the NCAA that no responsive
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1 documents exist, Plaintiffs anticipate that third party depositions and possibly Court intervention
2 will be required in order to receive responsive documents from those parties;

3 WHEREAS in order to efficiently produce pricing information, third party retailers required
4 a complete SKU/Product Identification list that Plaintiffs received from Electronic Arts on July 10,
5 2009;

6 WHEREAS Plaintiffs' motion for class certification is currently due on September 24,
7 2009, Defendant's opposition thereto on November 23, 2009, Plaintiffs' reply is currently due on
8 December 23, 2009 and the hearing on class certification is currently scheduled for January 14,
9 2010 at 10:00 a.m.; and

10 WHEREAS the parties are diligently seeking to complete the discovery necessary to class
11 certification, but agree that a motion for class certification would be premature at this time given
12 the outstanding document production, depositions and third party discovery;

13 WHEREAS pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 6.1(b) and
14 6.2, and subject to approval by the Court, the parties stipulate to an extension of time on the filing
15 and hearing of Plaintiffs' motion for class certification and all other currently scheduled court
16 deadlines;

17 WHEREAS the prior extensions to the schedule include this Court's order on February 24,
18 2009, extending the time for Plaintiffs' motion for class certification and other case management
19 dates in this action by 90 days, and the Court's order on June 5, 2009, setting the current schedule;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
21 undersigned counsel for Plaintiffs and counsel for Defendant, subject to the approval of the Court
22 that the existing scheduling order shall be modified as follows:

| Event | Current Schedule | Proposed Schedule |
|---|-------------------------|--------------------------|
| Plaintiffs' motion for class certification | September 24, 2009 | November 9, 2009 |
| Defendant's opposition to class certification | November 23, 2009 | January 28, 2010 |
| Plaintiff's reply in support of class certification | December 23, 2009 | February 26, 2010 |

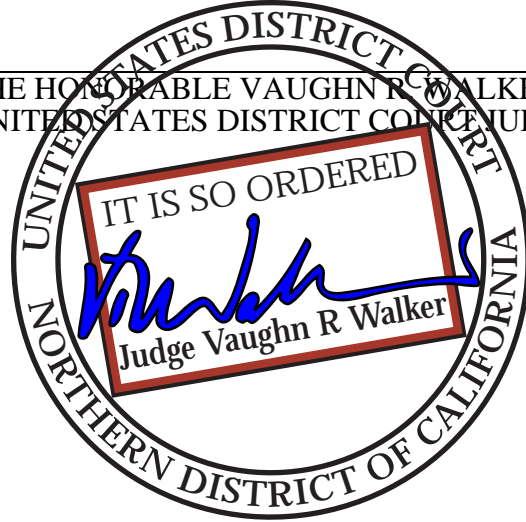
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 4, 2009

THE HONORABLE VAUGHN R. WALKER
UNITED STATES DISTRICT COURT JUDGE



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 2, 2009, I electronically filed the foregoing with the
3 Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-
4 mail addresses registered, as denoted on the attached Electronic Mail Notice List, and I hereby
5 certify that I have mailed the foregoing document or paper via the United States Postal Service to
6 the non-CM/ECF participants indicated on the attached Manual Notice List.

7
8 /s/ Shana E. Scarlett
SHANA E. SCARLETT

Mailing Information for a Case 3:08-cv-02820-VRW

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)