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12 CENTURYTEL and EMBARQ

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 DAN VALENTINE, et al,

17 Plaintiffs,

18 vs.

19 NEBUAD, INC., a Delaware Corporation;
20 et al.

21 Defendants.

Case No. CV-08-5113 (TEH)

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PAGE LIMITS**

22 Plaintiff and defendants Embarq and CenturyTel hereby stipulate as follows:

23 1. Defendants Embarq and CenturyTel have responsive pleadings due on January 30,
24 2009, and intend to file a motion to dismiss plaintiffs' claims against them. The complaint

1 contains seven causes of action, as plaintiffs bring claims under the Electronic Communications
2 Privacy Act, the Computer Fraud of Abuse Act, the California Invasion of Privacy Act, and the
3 California Computer Crime Law, as well as aiding and abetting, civil conspiracy, and unjust
4 enrichment claims. Defendants Embarq and CenturyTel intend to move to dismiss all seven
5 claims. Defendants Embarq and CenturyTel also intend to move to dismiss the action against
6 them on the grounds that the Court lacks personal jurisdiction over them.

7 2. Rather than prepare two separate briefs for the two defendants, Embarq and
8 CenturyTel believe that the issues can be addressed more efficiently, saving resources for both the
9 parties and the Court, in a single consolidated brief on behalf of both of them. Although Embarq
10 and CenturyTel were separate entities at the time of the actions at issue in this case, they have
11 since agreed to merge and have retained the same counsel for this action, making consolidated
12 briefing more feasible. Similarly, plaintiffs believe that they can more efficiently oppose the
13 motions of Embarq and CenturyTel in a single consolidated opposition to those two defendants'
14 motions.

15 3. Although there is significant overlap between the issues raised in a consolidated
16 motion by Embarq and CenturyTel, the two defendants have slightly different facts with respect
17 to their personal jurisdiction arguments, and the laws of different states may apply, and will be
18 addressed, with respect to certain of plaintiffs' claims. Accordingly, in order to facilitate the
19 preparation of a single memorandum on behalf of Embarq and CenturyTel, and plaintiffs'
20 preparation of a single opposition to that joint motion, the undersigned parties believe that an
21 extension of the Court's 25-page limit on memoranda would result in more efficient briefing and
22 reduce the expenditure of resources by the parties and the Court.

23 4. In order to facilitate the filing of single motion and a single opposition with respect
24 to Embarq's and CenturyTel's motion to dismiss plaintiffs' complaint, defendants Embarq and
25 CenturyTel thus respectfully request, and plaintiffs do not object, that the Court permit Embarq,
26 CenturyTel, and the plaintiffs to file briefs that exceed the page limits by 5 pages.

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SO STIPULATED.

DATED: January 28, 2009.

FARELLA BRAUN + MARTEL LLP

By: _____ /s/
C. Brandon Wisoff

David A. Handzo
JENNER & BLOCK LLP

Attorneys for Defendants
CENTURYTEL and EMBARQ

I hereby attest that I have received authority
from the other counsel signatories to file this
document.

DATED: January 28, 2009.

KAMBEREDELSON LLC

By: _____ /s/
Alan Himmelfarb

Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

Pursuant to the aforementioned stipulation of the parties, and in order to facilitate the
filing of a single motion to dismiss by defendants CenturyTel and Embarq, and a single
opposition with respect to that motion by plaintiffs, it is hereby ordered that the memorandum in
support of Embarq's and CenturyTel's motion to dismiss, and the memorandum in opposition to
that motion by plaintiffs, shall be no longer than 30 pages.

SO ORDERED

January 29, 2009

Hon. Thelton E. Henderson
U.S. District Judge Thelton E. Henderson

