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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREA RESNICK, et al.,

Plaintiff(s),

No. C 09-0002 PJH

v.

**PRETRIAL ORDER NO. 1**

WALMART.COM, et al.,

Defendant(s).

**This document also applies to related actions:**

- C-09-0096 PJH O'Connor v. Walmart.com, et al.
- C-09-0111 PJH Endzweig v. Walmart.com, et al.
- C-09-0116 PJH Schmitz v. Walmart.com, et al.
- C-09-0138 PJH Lynch, et al. v. Walmart.com, et al.
- C-09-0139 PJH Groce, et al. v. Netflix, et al.
- C-09-0156 PJH Sivek v. Walmart.com, et al.
- C-09-0180 PJH Faris v. Netflix, et al.
- C-09-0225 PJH Slobodin v. Netflix, et al.
- C-09-0236 PJH Anthony, et al. v. Walmart.com, et al.
- C-09-0244 PJH Polk-Stamps v. Netflix, et al.
- C-09-0274 PJH Sheeler v. Walmart.com, et al.
- C-09-0294 PJH Chapman v. Netflix, et al.
- C-09-0297 PJH Orozco v. Netflix, et al.
- C-09-0340 PJH Landels, et al. V. Netflix, et al.
- C-09-0349 PJH Grime v. Netflix, et al.
- C-09-0361 PJH Meyer v. Walmart.com, et al.
- C-09-0368 PJH Randall v. Walmart.com, et al.
- C-09-0375 PJH Hirsch v. Netflix, et al.
- C-09-0377 PJH Miscioscia v. Netflix, et al.
- C-09-0378 PJH Patras v. Netflix, et al.
- C-09-0391 PJH Chatelain v. Netflix, et al.
- C-09-0398 PJH Weiner v. Walmart.com, et al.
- C-09-0399 PJH Millrood v. Walmart.com, et al.
- C-09-0400 PJH Kober v. Walmart.com, et al.
- C-09-0402 PJH Lacabe v. Walmart.com, et al.
- C-09-0434 PJH Roy v. Netflix, et al.
- C-09-0445 PJH Bruno, et al. v. Walmart.com, et al.
- C-09-0447 PJH Zaker v. Netflix, et al.
- C-09-0496 PJH Parikh v. Netflix, et al.
- C-09-0553 PJH Johnson v. Walmart.com, et al.

**United States District Court**  
For the Northern District of California

1 C-09-0554 PJH Gannon v. Walmart.com, et al.  
C-09-0678 PJH Williams v. Netflix, et al.  
2 C-09-0956 PJH Norem v. Netflix, et al.  
C-09-0958 PJH Haddad v. Netflix, et al.  
3 C-09-0960 PJH Cornett v. Netflix, et al.  
C-09-0961 PJH Macias v. Netflix, et al.  
4 C-09-0962 PJH Randle v. Netflix, et al.  
C-09-1274 PJH Wiebe v. Netflix, et al.

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7 Following the first case management conference in these cases, the court sets the  
8 following deadlines:

9 1. Within two weeks of the final decision of the Judicial Panel on Multidistrict  
10 litigation to either grant or deny the request to consolidate and transfer the cases in MDL  
11 No. 2029, In Re Online DVD Rental Antitrust Litigation, plaintiffs for the above-listed thirty  
12 nine cases, shall file either a stipulation or motion for appointment of lead counsel and  
13 liaison counsel and for approval of the organizational structure of plaintiffs' counsel.

14 2. Within thirty days of the final decision of the Judicial Panel on Multidistrict  
15 litigation to either grant or deny the request to consolidate and transfer the cases in MDL  
16 No. 2029, In Re Online DVD Rental Antitrust Litigation, plaintiffs for the above-listed thirty  
17 nine cases shall file a Consolidated Amended Complaint.

18 3. Defendants shall respond to the complaint within forty-five days.

19 4. The hearing on certain plaintiffs' motion to remand shall go forward on May  
20 13, 2009, unless the parties notify the court that they have stipulated to remand. The court  
21 would appreciate notification by April 22, 2009, the date the opposition is due, and in any  
22 event no later than April 29, 2009, the date the reply is due.

23 5. The parties shall meet and confer and jointly prepare a further case  
24 management conference statement taking into account the court's concerns as expressed  
25 at the April 9, 2009 conference and setting forth a comprehensive pretrial schedule. The  
26 joint statement shall be filed a week in advance of the second case management  
27 conference which will be held on July 9, 2009, at 2:30 p.m., and shall be accompanied by a  
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1 proposed Pretrial Order No. 2. The date may be advanced or continued as discussed at  
2 the conference by call to the courtroom deputy.

3 **IT IS SO ORDERED.**

4 Dated: April 13, 2009

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PHYLIS  
United States  
Judge  
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