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18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

20 Andrea Resnick et al. v. Walmart.com, et al.  
 (Case No. C 09-0002 PJH)  
 21 Michael O'Connor v. Walmart.com, et al.  
 (Case No. C 09-0096 PJH)  
 22 Sarah Endzweig v. Walmart.com, et al.  
 (Case No. C 09-0111 PJH)  
 23 Christopher Schmitz v. Walmart.com, et al.  
 (Case No. C 09-0116 PJH)  
 24 Scott Lynch, et al. v. Walmart.com, et al.  
 (Case No. C 09-0138 PJH)  
 25 Jonathan Groce, et al. v. Netflix, Inc., et al.  
 (Case No. C 09-0139 PJH)  
 26 Liza Sivek v. Walmart.com, et al.  
 (Case No. C 09-0156 PJH)  
 27 Armond Faris v. Netflix, Inc., et al.  
 28

**Related Case File No. C 09-0002 PJH**

**STIPULATION AND [~~PROPOSED~~] ORDER  
 POSTPONING ADR CASE FILING  
 REQUIREMENTS UNTIL THE ISSUES ARE  
 ADDRESSED AT THE UPCOMING JOINT  
 CASE MANAGEMENT CONFERENCE**

**Date: April 9, 2009  
 Time: 1:30 p.m.  
 Courtroom 3, 17th Floor**

**Hon. Phyllis J. Hamilton**

STIPULATION AND [PROPOSED] ORDER RE ADR

- 1 (Case No. C 09-0180 PJH)  
Suzanne Slobodin v. Netflix, Inc., et al.
- 2 (Case No. C 09-0225 PJH)  
Katherine Anthony, et al. v. Walmart.com, et al.
- 3 (Case No. C 09-0236 PJH)  
Melanie Polk-Stamps v. Netflix, Inc., et al.
- 4 (Case No. C 09-0244 PJH)  
Richard Sheeler, Jr. v. Walmart.com, et al.
- 5 (Case No. C 09-0274 PJH)  
Cathleen Chapman v. Netflix, Inc., et al.
- 6 (Case No. C 09-0294 PJH)  
Michael Orozco v. Netflix, Inc., et al.
- 7 (Case No. C 09-0297 PJH)  
Linda Landels, et al. v. Netflix, Inc., et al.
- 8 (Case No. C 09-0340 PJH)  
Sarah Grime v. Netflix, Inc., et al.
- 9 (Case No. C 09-0349 PJH)  
Douglas Meyer v. Walmart.com, et al.
- 10 (Case No. C 09-0361 PJH)  
Laura Randall v. Walmart.com, et al.
- 11 (Case No. C 09-0368 PJH)  
Frank Hirsch v. Netflix, Inc., et al.
- 12 (Case No. C 09-0375 PJH)  
Melanie Miscioscia v. Netflix, Inc., et al.
- 13 (Case No. C 09-0377 PJH)  
James Chatelain v. Netflix, Inc., et al.
- 14 (Case No. C 09-0391 PJH)  
Patras v. Netflix, Inc., et al.
- 15 (Case No. C 09-00378 PJH)  
Weiner v. Walmart.com USA LLC, et al.
- 16 (Case No. C 09-00398 PJH)  
Millrood v. Walmart.com USA LLC, et al.
- 17 (Case No. C 09-00399 PJH)  
Kober v. Walmart.com USA LLC, et al.
- 18 (Case No. C 09-00400 PJH)  
Lacabe v. Walmart.com USA LLC, et al.
- 19 (Case No. C 09-00402 PJH)  
Roy v. Netflix, Inc., et al.
- 20 (Case No. C 09-00434 PJH)  
Bruno, et al. v. Walmart.com USA LLC, et al.
- 21 (Case No. C 09-00445 PJH)  
Zaker v. Netflix, Inc., et al.
- 22 (Case No. C 09-00447 PJH)  
Parikh v. Netflix, Inc., et al.
- 23 (Case No. C 09-00496 PJH)  
Johnson v. Walmart.com USA LLC, et al.
- 24 (Case No. C 09-00553 PJH)  
Gannon v. Walmart.com USA LLC, et al.
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1 (Case No. C 09-00554 PJH)  
Williams v. Netflix, Inc., et al.  
2 (Case No. C 09-00678 PJH)  
Haddad v. Netflix, Inc., et al.  
3 (Case No. C-09-00958 PJH)  
4 Wiebe v. Netflix, Inc., et al.  
5 (Case No. 09-01274 PJH)

6 WHEREAS, there are currently pending before this Court thirty five (35) separate related  
7 actions under individual case filing numbers that involve substantially the same allegations  
8 (collectively, the “Cases”);

9 WHEREAS, pursuant to Civil L.R. 16-8 (b), (c) and ADR L.R. 3-5 (b), (c), (d), all parties in  
10 each of the Cases are required to file ADR Certifications and Stipulations and [Proposed] Orders  
11 Selecting ADR Process, or Notices of Need for ADR Phone Conference;

12 WHEREAS, Civil L.R. 16-8 and ADR L.R. 3-5 require all parties in each of the thirty five (35)  
13 actions to meet and confer and file pleadings indicating their position on matters relating to ADR,  
14 Mediation, and Arbitration;

15 WHEREAS, each of the Cases is a proposed class action on behalf of the same class, thereby  
16 making it necessary as a practical matter for all of the parties to agree on one ADR method;

17 WHEREAS, the parties to the Cases will be submitting to the Court a Joint Case Management  
18 Statement on April 2, 2009 addressing many of the issues required in Civil L.R. 16-8 and ADR L.R. 3-  
19 5, prior to the April 9, 2009 Case Management Conference;

20 WHEREAS, the parties to the Cases wish to conserve the resources of the parties and the  
21 Court;

1 IT IS HEREBY STIPULATED AND AGREED by and between defendants Netflix, Inc, Wal-  
2 Mart Stores, Inc., Walmart.com USA LLC, and all plaintiffs in the Cases, by and through their  
3 attorneys, that the parties ADR obligations pursuant to L.R. 16 and ADR L.R. 3-5 are postponed and  
4 shall be addressed at the April 9, 2009 Case Management Conference.

5 Dated: March 30, 2009

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*- and in the following related cases -*

- O'Connor v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00096
- Anthony, et al. v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00236
- Sheeler, Jr. v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00274
- Meyer v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00361
- Johnson v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00553
- Gannon v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00554

*-and attests in accordance with General Order No. 45 X. B. that concurrence in the filing of the document has been obtained from each of the undersigned counsel in all of the above-captioned actions*

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- Johnson v. Walmart.com USA LLC, et al. Case No. C 09-00553 PJH
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Gannon v. Walmart.com USA LLC, et al. Case No. C 09-00554 PJH

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Williams v. Netflix, Inc., et al. Case No. C 09-00678 PJH

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Wiebe v. Netflix, Inc., et al., Case No. 09-01274 PJH

**PROPOSED ORDER**

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

**Dated:** 4/2/09

Hon. Phyllis J. Hamilton  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
JUDGE



**PROOF OF SERVICE**

I HEREBY CERTIFY that on April 1, 2009, I caused a true and correct copy of the foregoing to be filed with the Clerk of Court using the Court’s CM/ECF system, which will send a notice of electronic filing to the parties.

/s/ Peter A. Barile III  
Peter A. Barile III (*pro hac vice*)

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Resnick, et al. v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00002

*- and in the following related cases -*

- O’Connor v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00096
- Anthony, et al. v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00236
- Sheeler, Jr. v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00274
- Meyer v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00361
- Johnson v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00553
- Gannon v. Walmart.com USA LLC, et al., Case No. 3:09-cv-00554

*-and attests in accordance with General Order No. 45 X. B. that concurrence in the filing of the document has been obtained from counsel in all of the above-captioned actions*

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