

1 NEAL MANNE, State Bar No. 94101 (Cal.)
 SUSMAN GODFREY L.L.P.
 2 1000 Louisiana Street, Suite 5100
 Houston, Texas 77002
 3 Tel: (713) 651-9366
 Fax: (713) 654-6666
 4 Email: nmanne@susmangodfrey.com

5 *Attorneys for Defendant Wal-Mart Stores, Inc. and*
 6 *Walmart.com USA LLC*

7 JONATHAN M. JACOBSON, State Bar No. 1350495 (N.Y.)
 WILSON SONSINI GOODRICH & ROSATI
 8 Professional Corporation
 1301 Avenue of the Americas
 9 40th Floor
 New York, NY 10019
 10 Tel: (212) 999-5800
 Fax: (212) 999-5899
 11 Email: jjacobson@wsgr.com

12 *Attorneys for Defendant Netflix, Inc.*

13 MARY JANE FAIT (*admitted pro hac vice*)
 WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP
 14 55 W. Monroe Street, Suite 1111
 Chicago, IL 60603
 15 Tel: (312) 984-0000
 Fax: (312) 984-0001
 16 Email: fait@whafh.com

17 *Attorneys for Plaintiff, on behalf of herself and others*
 18 *similarly situated*

19 **[ADDITIONAL COUNSEL ON SIGNATURE PAGE]**

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 MELANIE POLK-STAMPS, individually, on)
 behalf of herself and on behalf of all others)
 24 similarly situated,)
)
 25 Plaintiff,)
)
 26 v.)
)
 27 NETFLIX, INC., WAL-MART STORES, INC.)
 and WALMART.COM USA LLC,)
 28)
 Defendants.

Civil Action No. CV 09 0244 (PJH)

**STIPULATION FOR
 ENLARGEMENT OF TIME FOR
 DEFENDANTS TO RESPOND TO
 PLAINTIFF'S COMPLAINT**

1 Pursuant to Local Civil Rule 6-1, Defendants Wal-Mart Stores, Inc., Walmart.com USA
2 LLC, and Netflix, Inc. (“Defendants”) and Plaintiff Melanie Polk-Stamps, (“Plaintiff”), hereby
3 stipulate:

4 WHEREAS, on or about January 20, 2009, Plaintiff filed the complaint in this action,
5 which alleges violations of Sections 1 and 2 of the Sherman Act, 15 U.S.C. §§ 1 & 2;

6 WHEREAS, Plaintiff styled the action as a putative class action;

7 WHEREAS, as of the date of this stipulation, several other plaintiffs have filed complaints
8 in this District, including:

- 9 a. No. CV 09-0002 (PJH), *Andrea Resnick, Gary Bunker, John Haley, Amy*
10 *Latham, Eric Roslansky And Kevin Simpson, on behalf of themselves and*
11 *others similarly situated v. Walmart.Com USA LLC, Wal-Mart Stores, Inc.*
and Netflix, Inc.; pending in the United States District Court for the
12 Northern District of California;
- 13 b. No. CV 09-0096 (PJH), *Michael O’Connor, on behalf of himself and others*
14 *similarly situated v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and*
Netflix, Inc.; pending in the United States District Court for the Northern
15 District of California;
- 16 c. No. CV 09-0111 (PJH), *Sarah Endzweig v. Walmart.Com USA LLC, Wal-*
17 *Mart Stores, Inc. and Netflix, Inc.*; pending in the United States District
18 Court for the Northern District of California;
- 19 d. No. CV 09-0180 (PJH), *Armond Faris, on behalf of himself and others*
20 *similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com*
21 *USA LLC*; pending in the United States District Court for the Northern
22 District of California;
- 23 e. No. CV 09-00138 (PJH), *Scott Lynch, Sisto Abeyta, Allison Hancock, and*
24 *Bryan Eastman, on behalf of themselves and others similarly situated v.*
25 *Walmart.Com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.*; pending in
26 the United States District Court for the Northern District of California;
- 27 f. No. CV 09-00139 (PJH), *Jonathan Groce and Susan Horowitz on behalf of*
28 *themselves and those similarly situated v. Netflix, Inc., Wal-Mart Stores,*
Inc. and Walmart.com USA LLC; pending in the United States District
Court for the Northern District of California;
- g. No. CV 09-0116 (PJH), *Christopher P. Schmitz, on behalf of himself and all*
others similarly situated v. Walmart.Com USA LLC, Wal-Mart Stores, Inc.,
and Netflix, Inc.; pending in the United States District Court for the
Northern District of California;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- h. No. CV 09-00156 (PJH), *Liza Sivek, on behalf of herself and all others similarly situated v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.*; pending in the United States District Court for the Northern District of California;
- i. No. CV 09-0236 (PJH), *Katherine M. Anthony and Paul D. Gottfried, on behalf of themselves and others similarly situated v. Walmart.com USA LLC, Wal-Mart Stores, Inc. and Netflix, Inc.*; pending in the United States District Court for the Northern District of California;
- j. No. CV 09-00274 (PJH), *Richard Sheeler, Jr., on behalf of himself and others similarly situated v. Netflix Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- k. No. CV 09-00294 (PJH), *Cathleen Chapman, on behalf of herself and others similarly situated v. Netflix Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- l. No. CV 09-0398 (BZ), *Michael Weiner, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- m. No. CV 09-0402 (JL), *Margarita Lacabe, on behalf of herself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- n. No. CV 09-0225 (PJH), *Suzanne Slobodin, on behalf of herself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- o. No. CV 09-0297 (PJH), *Michael Orozco, on behalf of himself and others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- p. No. CV 09-0340 (PJH), *Linda Landels and Antonia Landels, on behalf of themselves and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- q. No. CV 09-0349 (PJH), *Sarah E. Grime, on behalf of herself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- r. No. CV 09-0361 (PJH), *Douglas Meyer, on behalf of himself and others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- s. No. CV 09-0368 (PJH), *Laura Randall, on behalf of herself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- t. No. CV 09-0378 (MEJ), *Argyre S. Patras, an individual, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- u. No. CV 09-0377 (PJH), *Melanie Miscioscia, on behalf of herself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- v. No. CV 09-0375 (PJH), *Frank Hirsch, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- w. No. CV 09-0400 (EDL), *Amos Kober, on behalf of himself and others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- x. No. CV 09-0391 (PJH), *James Chatelain, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- y. No. CV 09-0399 (JCS), *Tobias L. Millrood, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- z. No. CV 09-0434 (JL), *Ranjan Roy, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;
- aa. No. CV 09-0447 (MEJ), *Ashkun Zaker, on behalf of himself and all others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and Walmart.com USA LLC*; pending in the United States District Court for the Northern District of California;

1 bb. No. CV 09-0445 (JCS), *Brandon Bruno and Paige Gabay, on behalf of*
2 *themselves and others similarly situated v. Netflix, Inc., Wal-Mart Stores,*
3 *Inc. and Walmart.com USA LLC*; pending in the United States District
Court for the Northern District of California;

4 cc. No. CV 09-0496 (MEJ), *Sanjay Parikh, individually and on behalf of all*
5 *others similarly situated v. Netflix, Inc., Wal-Mart Stores, Inc. and*
6 *Walmart.com USA LLC*; pending in the United States District Court for the
Northern District of California;

7 dd. No. CV 09-00508 (MEJ) *Richard Cocadiz, individually and on behalf of all*
8 *others similarly situated v. Netflix Inc.; Wal-Mart Stores Inc. Walmart.com*
9 *USA LLC; Reed Hastings Jr.; John Fleming*, pending in the United States
District Court for the Northern District of California.

10 WHEREAS, each of these complaints alleges federal antitrust actions as against
Defendants, and are styled as putative class actions;

11 WHEREAS, Defendants agree that they have been served or have agreed to waive service
12 with respect to this action;

13 WHEREAS, Defendants have not yet been served with all of the complaints on file in this
14 district;

15 WHEREAS, in light of the multiple complaints on file, the potential for additional
16 complaints in this and other various jurisdictions, and the complex nature of Plaintiff's allegations,
17 Plaintiff and Defendants have agreed that Defendants' time to answer or otherwise respond to this
18 complaint would be extended to 30 days after such time as a consolidated complaint is filed, or to
19 an earlier time should Defendants agree to or a court enter an order imposing an earlier deadline
20 with respect to a related case pending in this district, without prejudice to any party's right to seek
21 additional enlargements of time as necessary;

22 WHEREAS, in the event that a case or cases in other jurisdictions proceed on a different
23 schedule, the parties agree to revise the terms of this stipulation to ensure that plaintiffs in this and
24 the related cases in the Northern District of California are not prejudiced;

25 WHEREAS, this stipulation shall not be taken as a waiver of any defenses that Defendants
26 may have to Plaintiff's Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure
27 or otherwise;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WILSON SONSINI GOODRICH &
ROSATI, P.C.

By: /s/ Jonathan M. Jacobson (with permission)

Jonathan M. Jacobson
Sara Ciarelli Walsh
1301 Avenue of the Americas, 40th Floor
New York, NY 10019
Tel: (212) 999-5800
Fax: (212) 999-5899

Scott A. Sher
SSher@wsgr.com
1700 K Street, NW, 5th Floor
Washington, D.C. 20006
Tel: (202) 973-8800
Fax: (202) 973-8899

Attorneys for Defendant Netflix, Inc.

Stipulated and agreed this 5th day of February, 2009

By: /s/ Mary Jane Fait (with permission)

Theodore B. Bell
John E. Tangren
Wolf Haldenstein Adler Freeman & Herz LLP
55 W. Monroe Street, Suite 1111
Chicago, IL 60603
Tel: (312) 984-0000
Fax: (312) 984-0001

Daniel C. Girard
Elizabeth C. Pritzker
Alex C. Turan
Girard Gibbs LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Tel: (415) 981-4800
Fax: (415) 981-4846

*Attorneys for Plaintiff, on behalf of herself and others
similarly situated*