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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 KEVIN AHAESY, On Behalf of Himself And)
 All Others Similarly Situated,)

CASE NO. 3:09-CV-00612-BZ

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Plaintiff,)

**STIPULATION AND [PROPOSED]
 ORDER REGARDING EXTENSION OF
 TIME AND STAY OF PRETRIAL
 PROCEEDINGS PENDING RULING BY
 THE JUDICIAL PANEL ON
 MULTIDISTRICT LITIGATION**

13

v.)

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COMCAST CORPORATION, et al.)

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Defendants.)

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1 Plaintiff Kevin Ahaesy (“Plaintiff”) and Defendants Comcast Corporation, Comcast
2 Holdings Corporation, Comcast Cable Communications, LLC (misidentified in the Complaint as
3 Comcast Cable Communications, Inc.) and Comcast Cable Communications Holdings, Inc.
4 (collectively, “Comcast”), respectfully request that the Court enter an Order extending the time by
5 which Comcast must answer or otherwise respond to Plaintiff’s Complaint and staying all pretrial
6 proceedings, including all discovery, pending a ruling by the Judicial Panel on Multidistrict
7 Litigation (the “MDL Panel”) regarding the consolidation of this action and similar actions to a
8 single district court for coordinated or consolidated pretrial proceedings. As grounds, the parties
9 stipulate as follows:

10 1. Plaintiff filed a Complaint on February 11, 2009 and served the
11 Complaint and a summons upon Comcast on or about February 17, 2009. Assuming that this
12 constituted effective service, Defendant must answer or otherwise respond by March 9, 2009.

13 2. The Complaint alleges that Comcast violated Section 1 of the Sherman Act,
14 15 U.S.C. § 1, by “tying” premium cable services to the rental of set-top boxes. The Complaint is
15 styled as a putative class action.

16 3. There are currently eleven similar class actions pending against Comcast
17 Corporation in seven other federal districts, including the Northern District of Illinois, the Eastern
18 District of Pennsylvania, the Eastern District of California, the Southern District of West Virginia,
19 the Eastern District of Louisiana, the Northern District of Alabama and the District of Minnesota.
20 The complaints in those actions allege that Comcast Corporation has violated Section 1 of the
21 Sherman Act, 15 U.S.C. §1, and, in some instances, state law, by “tying” premium cable services to
22 the rental of set-top boxes.

23 4. On or about February 17, 2009, counsel for plaintiff in the action pending in
24 the Southern District of West Virginia filed a motion with the MDL Panel to consolidate nine of the
25 actions in a single district court for coordinated or consolidated pretrial proceedings pursuant to 28
26 U.S.C. § 1407. *See* Motion of Plaintiff Eric Holt for Transfer and Coordination or Consolidation
27 Pursuant to 28 U.S.C. § 1407 (attached hereto as Exhibit A).

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1 5. On or about February 18, 2009, counsel for plaintiff in one of the actions
2 pending in the Eastern District of Pennsylvania filed a response with the MDL Panel. *See*
3 Interested Party Response to Plaintiffs’ Motions for Transfer and Coordination or Consolidation in
4 the In Re: Comcast Set-Top Television Box Antitrust Litigation (attached hereto as Exhibit B).

5 6. On or about February 20, 2009, counsel for plaintiffs in two of the actions
6 pending in the Northern District of Illinois filed a motion to consolidate nine of the actions in a
7 single district court for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §
8 1407. *See* Plaintiffs Debra L. Koller and Lucas Mays’s Motion Pursuant to 28 U.S.C. § 1407 to
9 Transfer Actions to the Northern District of Illinois for Coordinated or Consolidated Pretrial
10 Proceedings (attached hereto as Exhibit C).

11 7. In light of the multiplicity of complaints on file and the pending motions
12 before the MDL Panel, the parties respectfully request that the Court extend the time by which
13 Comcast must answer or otherwise respond to Plaintiff’s Complaint until (1) the entry of a
14 scheduling order by the transferee court in the event the MDL Panel grants the pending motions to
15 consolidate or (2) thirty days after service of the MDL Panel’s order in the event the MDL Panel
16 denies the pending motions to consolidate.

17 8. The parties further request that the Court stay all pretrial proceedings,
18 including all discovery and related obligations under Federal Rules of Civil Procedure 16 and 26,
19 applicable Local Rules, the Court’s Order Setting Initial Case Management Conference and ADR
20 Deadlines, and the Standing Orders for Magistrate Judge Bernard Zimmerman, until (1) the entry of
21 a scheduling order by the transferee court in the event the MDL Panel grants the pending motions
22 to consolidate or (2) thirty days after service of the MDL Panel’s order in the event the MDL Panel
23 denies the pending motions to consolidate.

24 9. The requested relief will not prejudice either party. However, the parties
25 agree to revisit the terms of this stipulation in the event that Comcast hereafter answers or
26 otherwise responds to a complaint in any of the other eleven class actions referenced herein.
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1 WHEREFORE, the parties respectfully request that the Court enter an Order
2 extending the time by which Comcast must answer or otherwise respond to Plaintiff's Complaint
3 and staying all pretrial proceedings, including all discovery, pending a ruling by the MDL Panel.
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5 Dated: March 9, 2009

Respectfully submitted,

6 By: /s/ Arthur J. Burke

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Attorneys for Defendants

13 Dated: March 9, 2009

Respectfully submitted,

14
15 By: /s/ Melissa Shapiro

16 Guido Saveri
17 R. Alexander Saveri
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19 Melissa Shapiro
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Attorneys for Plaintiff

21 I hereby attest that I have on file written permission to sign this joint statement and
22 report from all parties whose signatures are indicated by a "conformed" signature (/s/) within this e-
23 filed document.
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25 /s/ Arthur J. Burke
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated: March 9, 2009

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By: 
The Honorable Bernard Zimmerman
United States Magistrate Judge