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6 Attorneys for Defendants  
 HUGHES COMMUNICATIONS, INC.  
 7 and HUGHES NETWORK SYSTEMS, LLC

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 TINA WALTER, CHRISTOPHER BAYLESS,  
 11 and ERIC SCHUMACHER, individually and on  
 behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 HUGHES COMMUNICATIONS, INC. and  
 15 HUGHES NETWORK SYSTEMS, LLC,

16 Defendants.

CASE NO.: 09-CV-02136 SC

**STIPULATION AND [~~PROPOSED~~]  
 ORDER REGARDING  
 DEFENDANTS' RESPONSE TO  
 FOURTH AMENDED COMPLAINT**

The Honorable Samuel Conti

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28 STIPULATION AND ORDER REGARDING DEFENDANTS' RESPONSE TO FOURTH AMENDED  
 COMPLAINT  
 CASE NO.: 09-CV-02136 SC

1 WHEREAS, on October 4, 2011, the Court entered, pursuant to stipulation of the parties,  
2 an Order Regarding Withdrawal Without Prejudice of Defendants' Motion to Dismiss, permitting  
3 Hughes Communications, Inc. and Hughes Network Systems LLC (collectively, "Hughes") to  
4 withdraw their then-pending Motion to Dismiss Pursuant to the Federal Arbitration Act and  
5 Alternative Motion to Dismiss and Strike ETF Claims (the " previously-filed Motion to  
6 Dismiss"), to allow Hughes and Plaintiffs to pursue settlement;

7 WHEREAS, on November 21, 2011, the Court, pursuant to stipulation, ordered that  
8 Hughes time to dismiss, answer or otherwise respond to the Second Amended Complaint be  
9 extended until (a) December 20, 2011, or (b) if Plaintiffs file a Motion for Preliminary Approval  
10 of the Amended Settlement Agreement on or before December 7, 2011, twenty (20) days after the  
11 Court rules on such motion;

12 WHEREAS, on December 7, 2011, Plaintiffs filed a Motion for Preliminary Approval of  
13 [Amended and Restated] Settlement and Conditional Class Certification and a proposed Fourth  
14 Amended Complaint;

15 WHEREAS, the Court has scheduled said Motion for Preliminary Approval to be heard at  
16 10:00 a.m. on February 10, 2012;

17 WHEREAS the parties' agree that the negotiation of and entry into an Amended  
18 Settlement Agreement, and the filing of a Motion for Preliminary Approval, are without prejudice  
19 to Hughes' rights to raise any defense to (or to oppose the filing of) any complaint filed or  
20 proposed to be filed by Plaintiffs, including the Fourth Amended Complaint;

21 WHEREAS, the parties agree that until the Court rules on Plaintiffs' Motion for  
22 Preliminary Approval, Hughes should, for purposes of efficiency, have no obligation to respond  
23 to the proposed Fourth Amended Complaint;

24 IT IS HEREBY STIPULATED, by and between the parties through their respective  
25 counsel, that Hughes' time to move to dismiss, answer, oppose the filing of, or otherwise respond  
26 to the Fourth Amended Complaint shall and hereby is extended until twenty (20) days after the  
27

1 Court rules on Plaintiffs' Motion for Preliminary Approval, currently set for hearing on February  
2 10, 2012.

3  
4 IT IS SO STIPULATED.

5  
6 Dated: December 21, 2011

HOGAN LOVELLS US LLP

7  
8 By:                 /s/                  
Robert B. Hawk

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10 Attorneys for Defendants  
HUGHES COMMUNICATIONS, INC. and  
11 HUGHES NETWORK SYSTEMS LLC

12 Dated: December 21, 2011

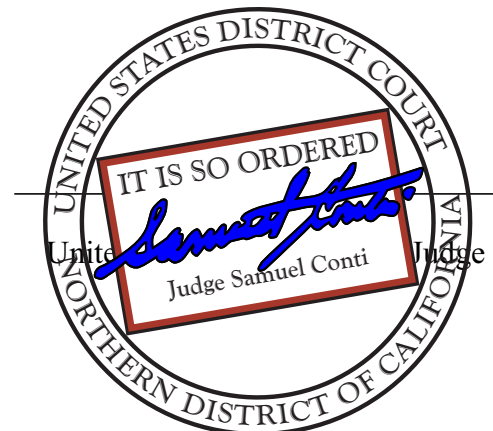
BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER, LLP

14 By:                 /s/                  
Jennifer S. Rosenberg

15  
16 Attorneys for Plaintiffs

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18 IT IS SO ORDERED.

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20  
21 Dated:           1/4          , 2011



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I, Robert B. Hawk, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Regarding Defendants' Response to Fourth Amended Complaint. In compliance with General Order 45, X.B., I hereby attest that Jennifer S. Rosenberg has concurred in this filing.

DATED: December 21, 2011

HOGAN LOVELLS LLP

By \_\_\_\_\_ /s/  
Robert B. Hawk