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 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

**SECOND STIPULATION AND  
 17 ~~PROPOSED~~ SUPPLEMENTAL  
 ORDER REGARDING  
 18 PRELIMINARY APPROVAL OF  
 CLASS ACTION SETTLEMENT**

The Honorable Samuel Conti

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 SECOND STIPULATION AND ~~PROPOSED~~ SUPPLEMENTAL ORDER  
 REGARDING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT  
 CASE NO.: 09-CV-02136 SC

1           WHEREAS, the Court’s March 2, 2012 Order Conditionally Certifying Class and  
2 Granting Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”)  
3 requires the Parties hereto to use reasonable efforts to cause publication and dissemination of  
4 Class Notice pursuant to Section 3.2 of the Second Amended Settlement Agreement (“the  
5 Settlement”) to be completed within ninety (90) days of the Preliminary Approval Order;

6           WHEREAS, ninety (90) days from issuance of the Preliminary Approval Order will  
7 expire on Thursday, May 31, 2012;

8           WHEREAS, Section 3.2 of the Settlement calls, *inter alia*, for publication of the  
9 “Summary Settlement Notice – Publication,” in the form attached as Exhibit B4 to the  
10 Preliminary Approval Order, on “two consecutive Mondays in USA Today”;

11           WHEREAS, the Parties had anticipated that the Summary Settlement Notice – Publication  
12 would be published in USA Today, pursuant to the terms of the Preliminary Approval Order and  
13 Section 3.2 of the Settlement, on Monday, May 21, 2012, and Monday, May 28, 2012, and  
14 Defendants had arranged with the Settlement Administrator to reserve the space necessary for  
15 publication on those dates;

16           WHEREAS, the Settlement Administrator informed the Parties for the first time on May  
17 14, 2012, that USA Today will not publish an issue on Monday, May 28, 2012, due to the  
18 Memorial Day holiday, and will not publish an issue on the preceding Saturday (May 26) or  
19 Sunday (May 27);

20           WHEREAS, the circulation of USA Today is generally higher on Fridays than on any  
21 other day of the week (*see* Decl. of Jonathan Carameros at ¶ 4);

22           WHEREAS, the Parties jointly propose that the Court amend the timing of publication  
23 notice, as set forth in the Preliminary Approval Order and the Settlement, to provide for  
24 publication of the Summary Settlement Notice – Publication on Monday, May 21, 2012, and  
25 Friday, May 25, 2012;

26           IT IS HEREBY STIPULATED, by and between the Parties through their respective  
27 counsel, that the time for publication notice set forth in Paragraph 4(a) of the Court’s March 2,  
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1 2012, Preliminary Approval Order and Section 3.2(a) of the Second Amended Settlement  
2 Agreement is hereby amended as follows: the Summary Settlement Notice – Publication (Exhibit  
3 B4 to the Preliminary Approval Order) shall be published on Monday, May 21, 2012, and Friday,  
4 May 25, 2012.

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6 IT IS SO STIPULATED.

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8 Dated: May 16, 2012

HOGAN LOVELLS US LLP

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By: s/ Robert B. Hawk  
Robert B. Hawk

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

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Dated: May 16, 2012

BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER, LLP

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By: s/ Jennifer S. Rosenberg  
Jennifer S. Rosenberg  
Attorneys for Plaintiffs

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PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED

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20 Dated: May 16, 2012

  
\_\_\_\_\_  
THE HONORABLE SAMUEL CONTI

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STIPULATION AND ~~PROPOSED~~ ORDER RE RESPONSE TO COMPLAINT  
CASE NO.: 09-CV-02136 SC