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

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

12 TINA WALTER and CHRISTOPHER BAYLESS,
13 individually and on behalf of all others similarly
14 situated,

14 Plaintiffs,

15 v.

16 HUGHES COMMUNICATIONS, INC., a
17 Delaware corporation, and HUGHES NETWORK
18 SYSTEMS, LLC, a Delaware corporation,

18 Defendants.

CASE NO.: 09-cv-02136 SC

**JOINT STIPULATION EXTENDING
TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT AND
RELATED DEADLINES**

The Honorable Samuel Conti

1 WHEREAS Plaintiffs filed the Complaint on May 15, 2009, and sent Defendants Hughes
2 Communications, Inc. and Hughes Network Systems, LLC (the "Hughes Defendants") a Waiver
3 of Service of Summons on that same date;

4 WHEREAS the parties previously stipulated to an extension of time for Defendants to
5 respond to the Complaint, and a response is currently due on August 13, 2009;

6 WHEREAS Eric Schumacher filed a putative class action complaint against the Hughes
7 Defendants in the Superior Court for the State of California in the County of San Diego on June
8 9, 2009;

9 WHEREAS Defendants removed the Schumacher Action to the United States District
10 Court for Southern District of California on June 25, 2009;

11 WHEREAS the parties to the Schumacher Action stipulated to an extension of time for
12 Defendants to respond to the Complaint, and a response is currently due on August 12, 2009;

13 WHEREAS Plaintiffs in both the Schumacher Action and this Action (the "Walter
14 Action") assert claims against Hughes and HCI on behalf of a putative class of California
15 subscribers to the "HughesNet" internet service;

16 WHEREAS both Complaints assert claims regarding the HughesNet internet speeds,
17 termination fees and other terms and conditions of the HughesNet service;

18 WHEREAS the two actions raise many of the same or similar issues of fact and law;

19 WHEREAS the parties to the Schumacher Action agreed, for the foregoing reasons, that
20 litigation of the two actions in separate forums would be inefficient and wasteful, and filed a joint
21 motion to transfer the Schumacher Action to the Northern District of California;

22 WHEREAS on July 28, 2009 the Court in the Southern District of California granted the
23 joint motion and issued an order transferring the Schumacher Action to the Northern District of
24 California;

25 WHEREAS Plaintiffs in the Schumacher and Walter Actions intend to file a single
26 consolidated complaint once the file for the Schumacher Action is opened in the Northern District
27 of California;

1 WHEREAS, the file for the Schumacher Action does not yet appear to have been opened
2 in the Northern District of California, and the parties are unaware of the status of the case;

3 WHEREAS the parties agree that Defendants should not have to answer or otherwise
4 respond to the individual Walter or Schumacher Complaints in light of Plaintiffs' intent to file a
5 single consolidated complaint;

6 WHEREAS the parties agree that the current case management conference date should be
7 vacated until such time as Plaintiffs file a consolidated complaint and the Schumacher and Walter
8 Actions are consolidated;

9 IT IS HEREBY STIPULATED, by and between the parties through their respective
10 counsel, that:

- 11 (1) Defendants need not file a response to the pending Complaint;
- 12 (2) Plaintiffs will file a Consolidated Complaint on or before September 3, 2009;
- 13 (3) Defendants will answer or otherwise respond to the Consolidated Complaint on or
14 before October 5, 2009; and
- 15 (4) The Case Management Conference scheduled for August 28, 2009 shall be
16 continued to November 9, 2009;

17 IT IS SO STIPULATED.

18 Dated: August 3, 2009

HOGAN & HARTSON LLP

19 By:

/s/

20 Robert B. Hawk
21 Attorneys for Defendants
22 HUGHES COMMUNICATIONS, INC. and
23 HUGHES NETWORK SYSTEMS LLC
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1 Dated: August __, 2009

BRAMSON, PLUTZIK, MAHLER &
BIRKHAUSER, LLP

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By: /s/

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Jennifer S. Rosenberg
Attorneys for Plaintiffs TINA WALTER and
CHRISTOPHER BAYLESS

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6 Dated: August __, 2009

AUDET & PARTNERS, LLP

7

By: /s/ Joshua C. Ezrin

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Joshua C. Ezrin
Attorneys for Plaintiff
ERIC SCHUMACHER

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11 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

12

13 ~~Dated: August __, 2009~~

~~THE HONORABLE SAMUEL CONTI~~

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The Case Management Conference is continued to December 4, 2009 at 10:00 a.m.

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19 Date: August 6 , 2009


THE HONORABLE SAMUEL CONTI

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I, Robert B. Hawk, am the ECF User whose ID and password are being used to file this Joint Stipulation Extending Time For Defendants to Respond to Complaint. In compliance with General Order 45, X.B., I hereby attest that Jennifer Rosenberg and Joshua Ezrin concurred in this filing.

DATED: August __, 2009

HOGAN & HARTSON LLP

By _____ /s/

Robert B. Hawk