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6 Attorneys for Defendants  
 7 HUGHES COMMUNICATIONS, INC.  
 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

**FOURTH STIPULATION AND  
 [PROPOSED] ORDER REGARDING  
 RESPONSE TO PLAINTIFFS'  
 SECOND AMENDED  
 CONSOLIDATED CLASS ACTION  
 COMPLAINT**

The Honorable Samuel Conti

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1 Plaintiffs Tina Walter, Christopher Bayless, and Eric Schumacher and Defendants Hughes  
2 Communications, Inc. and Hughes Network Systems, LLC (collectively, the “Parties”), hereby  
3 stipulate to, and seek the Court’s approval of, an order extending the time for Defendants to  
4 answer or otherwise respond to Plaintiffs’ Second Amended Consolidated Class Action  
5 Complaint (“SAC”):

6 WHEREAS, on July 6, 2011, the Court issued an Order Denying Plaintiffs’ Motion for  
7 Class Certification and Preliminary Approval of Settlement (the “Order”);

8 WHEREAS, the Court set a status conference for August 26, 2011;

9 WHEREAS, the Parties are currently assessing the implications of the Order on the case  
10 broadly and intend to explore whether it makes sense to submit a revised settlement and  
11 supporting papers to the Court for its consideration;

12 WHEREAS, by order dated April 13, 2011, the Court ordered that the deadline for  
13 Defendants to answer or otherwise respond to the Second Amended Complaint would be fourteen  
14 (14) calendar days after the Court ruled on the Plaintiffs’ Motion for Preliminary Approval of  
15 Settlement, which currently makes Defendants’ response date July 20, 2011;

16 WHEREAS, responding to the SAC will require a return to litigation after the parties had  
17 been focused for the past several months on trying to settle the case;

18 WHEREAS, Defendants intend to respond to the SAC by filing a motion to dismiss, and,  
19 in light of the U.S. Supreme Court’s April 27, 2011 decision in AT&T Mobility v. Concepcion,  
20 563 U.S. \_\_ (2011), likely also a motion to compel arbitration;

21 WHEREAS, Defendants require a short extension of time to prepare these motions;

22 WHEREAS, the Parties believe that a short extension of the response deadline would aid  
23 ongoing discussions, and, depending on the outcome of those discussions, potentially prevent the  
24 unnecessary expenditure of resources in connection with briefing motions that this Court may  
25 ultimately never have to adjudicate;

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I, Robert B. Hawk, am the ECF User whose ID and password are being used to file this Third Stipulation and [Proposed] Order Regarding Answer to Plaintiffs' Second Amended Consolidated Class Action Complaint. In compliance with General Order 45, X.B., I hereby attest that Joshua Ezrin concurred in this filing.

DATED: July 8, 2011

HOGAN LOVELLS LLP

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