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6 Attorneys for Defendants  
 ADKNÖWLEDGE, INC. and  
 7 KITN MEDIA USA, INC.

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 REBECCA SWIFT, on behalf of herself and  
 all other similarly situated,

12  
 13 Plaintiff,

14 v.

15 ZYNGA GAME NETWORK, INC.;  
 16 ADKNÖWLEDGE, INC., D/B/A SUPER  
 REWARDS; KITN MEDIA USA, INC.  
 17 D/B/A SUPER REWARDS,

18 Defendants.  
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NO. 4:09-CV-05443 EDL

**STIPULATION FOR STAY OF  
 PROCEEDINGS PENDING  
 RULING BY COURT OF  
 APPEALS**

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**I. STIPULATION**

Plaintiff Rebecca Swift and Defendants Adknowledge, Inc. and KITN Media USA, Inc. (“Defendants”), through their respective counsel, hereby make the following stipulation in order to preserve judicial economy and avoid the unnecessary litigation of issues in this Court which the Ninth Circuit may later decide are the proper subject of arbitration:

WHEREAS, this Court, by its August 4, 2011 “Order Granting Zynga’s Motion to Compel Arbitration; Granting in Part and Denying in Part Other Defendants’ Parallel Motion to Stay; Denying as Moot: (1) Motion to Compel Discovery, (2) Motion to Hear Cross-Motion to Stay Discovery on Shortened Time, (3) Motion to Stay Discovery; Granting Motion to Seal” (the “Order”), (Dkt. No. 94), denied Defendants’ request to compel arbitration of Swift’s claims against Defendants;

WHEREAS, on August 10, 2011, Defendants filed a Notice of Appeal of this Court’s Order;

WHEREAS, it is in the best interests of judicial economy to stay all proceedings in the District Court in the above-captioned action until the Ninth Circuit rules on Defendants’ appeal;

WHEREAS, Plaintiff and Defendants have mutually agreed to a stay of all proceedings in this action during appellate proceedings;

WHEREAS, pursuant to L.R. 6-2(a), this stipulation is accompanied by the Declaration of Derek Linke in support thereof, which sets forth all relevant facts;

THEREFORE, IT IS HEREBY STIPULATED by Plaintiff and Defendants through their counsel of record and subject to the Court’s approval pursuant to L.R. 6-2, that all proceedings in the District Court in the above-captioned action between Plaintiff and Defendants are stayed until the Ninth Circuit Court of Appeals issues a decision on Defendants’ appeal of this Court’s August 4, 2011 Order.

The parties jointly request that this Court enter an order reflecting the parties’ stipulation.

1 DATED: November 1, 2011

NEWMAN DU WORS LLP

2 By: s/ Derek Linke  
3 Derek A. Newman, State Bar No. 190467  
4 Derek Linke, (*pro hac vice*)

5 Attorneys for Defendants  
6 ADKNOWLEDGE, INC. and  
7 KITN MEDIA USA, INC.

8 In accordance with General Order No. 45, Section X(B), the above signatory  
9 attests that concurrence in the filing of this document has been obtained from the  
10 signatories below.

11 DATED: November 1, 2011

NEWMAN DU WORS LLP

12 By: s/ Derek Linke  
13 Derek A. Newman, State Bar No. 190467  
14 Derek Linke, (*pro hac vice*)

15 Attorneys for Defendants  
16 ADKNOWLEDGE, INC. and  
17 KITN MEDIA USA, INC.

18 DATED: November 1, 2011

KERSHAW, CUTTER & RATINOFF LLP

19 By: s/ John R. Parker, Jr.  
20 John R. Parker, Jr., State Bar No. 257761

21 Attorneys for Plaintiff  
22 REBECCA SWIFT

23 **II. ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 DATED: November 4, 2011

26 By: THE HONORABLE  
27 United States District Judge  
28 Elizabeth D. Laporte

