

E-Filed 5/18/11

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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
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14 MICHAEL E. DAVIS, aka TONY DAVIS,
 VINCE FERRAGAMO, and BILLY JOE
 15 DUPREE, on behalf of themselves and all
 16 other similarly situated,

17 Plaintiffs,

18 v.

19 ELECTRONIC ARTS INC.,

20 Defendant.

Case No. 10-CV-3328-RS

**STIPULATION AND [~~PROPOSED~~]
 ORDER RE: BRIEFING SCHEDULE
 AND HEARING DATE FOR
 DEFENDANT ELECTRONIC ARTS
 INC.'S MOTION TO DISMISS AND
 ANTI-SLAPP MOTION TO STRIKE**

Judge: Hon. Richard Seeborg

Date Comp. Filed: July 29, 2010

Trial Date: None

1 WHEREAS, on January 6, 2011, Defendant Electronic Arts Inc. (“EA”) filed a Motion to
2 Dismiss, Or, In the Alternative, Special Motion to Strike Pursuant to C.C.P. § 425.16 Plaintiffs’
3 First Amended Complaint; and

4 WHEREAS, on January 26, 2011, the parties stipulated to and proposed to the court a
5 continuance of the hearing on EA’s motion in order to allow Plaintiffs time to propound
6 discovery they believed necessary to oppose EA’s anti-SLAPP motion; and

7 WHEREAS, on January 31, 2011, the Court denied without prejudice EA’s motions,
8 extended the period for EA to file a responsive pleading until June 9, 2011 and ordered EA not to
9 set the hearing date for the responsive pleading before July 14, 2011; and

10 WHEREAS, the Plaintiffs’ served written discovery on EA and the parties have met and
11 conferred regarding Plaintiffs’ proposed discovery but have been unable to resolve their
12 differences regarding that discovery; and

13 WHEREAS, on April 28, 2011, Plaintiffs filed a motion to compel responses to discovery
14 against EA; and

15 WHEREAS, on May 4, 2011, Magistrate Judge Ru set the hearing on Plaintiffs’ motion
16 to compel for June 16, 2011; and

17 WHEREAS, the parties have met and conferred and believe that the briefing schedule
18 described below provides appropriate time for the motion to compel to be heard while allowing
19 Plaintiffs sufficient time to oppose EA’s motion to dismiss and anti-SLAPP motion to strike; and

20 WHEREAS, the agreed upon briefing schedule will not impact any other dates currently
21 scheduled in this case;

22 THEREFORE, the parties hereby stipulate and propose as follows:

23 **STIPULATION**

- 24 1. EA will file its motion to dismiss and anti-SLAPP motion to strike on June 9,
25 2011.
- 26 2. Plaintiffs’ opposition to EA’s motions shall be filed on or before July 21, 2011.
- 27 3. EA’s reply to Plaintiffs’ opposition shall be filed on or before August 4, 2011.
- 28 4. The hearing on EA’s motions shall be heard on August 25, 2011, or as soon as

1 practicable thereafter as the availability of the Court's calendar permits.

2 Both parties agree to the stipulation as indicated by their signatures below. The parties
3 respectfully request that the Court approve the stipulation. A form of Proposed Order is filed
4 herewith.

5 R. James Slaughter, the filer of this stipulation, pursuant to General Order No. 45,
6 Electronic Case Filing, Section 10(b), hereby attests that Brian D. Henri concurs in the filing of
7 this stipulation.

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9 Dated: May 17, 2011

KEKER & VAN NEST LLP

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By: /s/ R. James Slaughter
R. JAMES SLAUGHTER
R. ADAM LAURIDSEN
Attorneys for Defendant
ELECTRONIC ARTS INC.

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15 Dated: May 17, 2011

THOMAS WHITELAW & TYLER, LLP

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By: /s/ Brian D. Henri
BRIAN D. HENRI
Attorneys for Plaintiffs MICHAEL
DAVIS, VINCE FERRAGAMO, and
BILLY JOE DUPREE

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~~[PROPOSED]~~ ORDER

The Court, having considered the parties' stipulation and good cause appearing,
HEREBY ORDERS as follows:

1. EA will file its motion to dismiss and anti-SLAPP motion to strike on June 9, 2011.
2. Plaintiffs' oppositions to EA's motions shall be filed on or before July 21, 2011.
3. EA's replies to Plaintiffs' oppositions shall be filed on or before August 4, 2011.
4. The hearing on EA's motions shall be heard on August 25, 2011, or as soon as practicable thereafter as the availability of the Court's calendar permits.

IT IS SO ORDERED.

Dated: 5/17/11



HON. RICHARD SEEBORG
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF
CALIFORNIA