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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 MICHAEL E. DAVIS, aka TONY DAVIS,  
21 VINCE FERRAGAMO, and BILLY JOE  
22 DUPREE, on behalf of themselves and all  
others similarly situated,

23 Plaintiffs,

24 vs.

25 ELECTRONIC ARTS INC.,

26 Defendant.

CASE NO. 10-cv-3328 RS (DMR)

**STIPULATION AND [PROPOSED]  
ORDER RE BRIEFING SCHEDULE AND  
HEARING DATE ON DEFENDANT  
ELECTRONIC ARTS INC.'S MOTION  
TO STRIKE PURSUANT TO C.C.P. §  
425.16 AND MOTION TO DISMISS**

1 Pursuant to Civil Local Rule 6-2, the parties hereby submit this Stipulated Request for an  
2 Order regarding the briefing schedule and the hearing date on defendant Electronic Arts Inc.'s  
3 ("EA") Motion to Strike Pursuant to C.C.P. § 425.16 (Docket No. 62) ("Anti-SLAPP motion")  
4 and EA's Motion to Dismiss (Docket No. 63) (collectively, "EA's Motions").

5 WHEREAS, on January 6, 2011, EA filed its original motion to dismiss and motion strike  
6 (Docket No. 20), which was set for hearing February 24, 2011, and re-filed the motions on June 9,  
7 2011 (Doc. Nos. 62 and 63);

8 WHEREAS, on February 1, 2011, plaintiffs Michael E. Davis, Vince Ferragamo, and Billy  
9 Joe Dupree (collectively "Plaintiffs") served written discovery on EA;

10 WHEREAS, the parties have had disputes regarding discovery for EA's Motions, and the  
11 briefing and hearing have been postponed on several occasions to permit resolution of discovery  
12 disputes (*See, e.g.*, Docket Nos. 35, 57, & 78);

13 WHEREAS, at the Further Case Management Conference on October 27, 2011, the Court  
14 set the hearing on EA's Motions for December 15, 2011 to allow the parties to address further  
15 discovery issues with Magistrate Judge Ryu (*see* Docket No. 87), which would have made  
16 Plaintiffs' opposition briefs due November 28 and EA's reply briefs due December 5;

17 WHEREAS, after a discovery hearing before Magistrate Judge Ryu on November 16, the  
18 Court issued an Order requiring EA to produce further discovery (Docket No. 92);

19 WHEREAS, EA expects that it will complete production of the discovery by December 8,  
20 2011, which therefore will require an adjustment to the briefing and hearing schedule in order to  
21 provide Plaintiffs adequate time to review and consider EA's supplemental discovery responses;

22 WHEREAS, under the Civil Local Rules, Plaintiffs are entitled to file two 25-page  
23 oppositions (one for each motion) totaling 50 pages, and EA is entitled to file two 15-page replies;

24 WHEREAS, the Plaintiffs believe that the issues of EA's Motions can be addressed more  
25 efficiently with a single, 35-page opposition and a single, 20-page reply, and EA does not oppose  
26 Plaintiffs' request;

27 THEREFORE, the parties, by and through their undersigned counsel, hereby stipulate and  
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**[PROPOSED] ORDER**

The Court, having considered the above joint request and good cause appearing therefore,  
HEREBY ORDERS as follows:

The following schedule shall apply to EA's pending Anti-SLAPP Motion and Motion to Dismiss (Docket Nos. 62 & 63):

- iv) Plaintiffs opposition shall be filed no later than January 5, 2012;
- v) EA's reply brief shall be filed no later than January 19, 2012; and
- vi) The hearing on the EA's Anti-SLAPP Motion and Motion to Dismiss shall be on January 26, 2012, at 1:30 p.m.

Plaintiffs shall submit a single opposition to both the Anti-SLAPP Motion and Motion to Dismiss of no more than 35 pages. EA shall submit a single reply brief of no more than 20 pages.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

Dated: 11/22, 2011

  


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 THE HONORABLE RICHARD SEEBORG  
  
 UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA