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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

19 IN RE HULU PRIVACY LITIGATION

Case No. CV 11-03764 LB

**JOINT STIPULATION AND [~~PROPOSED~~]
 ORDER REGARDING ALTERNATIVE
 DISPUTE RESOLUTION PROCESS**

Jury Trial Demanded

Date Filed: July 29, 2011
 Trial Date: Not Set
 Judge: Hon. Laurel Beeler

1 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 3-5, Defendant Hulu, LLC and
2 Plaintiffs Joseph Garvey, Stacey Tsan, Susan Couch, Cristina Garza, Concepcion Jauregui, and
3 Silviano Moncada hereby enter the following stipulation regarding ADR process in this litigation:

4 WHEREAS, plaintiffs Joseph Garvey and Stacey Tsan (collectively, “Garvey Plaintiffs”)
5 filed Case No. C 11-03764 LB in the Northern District of California asserting class action
6 allegations on July 29, 2011 (“Garvey”);

7 WHEREAS, plaintiffs Susan Couch, Cristina Garza, Concepcion Jauregui, and Silviano
8 Moncada (collectively, “Couch Plaintiffs,” and collectively with the Garvey Plaintiffs,
9 “Plaintiffs”) filed Case No. 4:11-cv-05606 in the Central District of California asserting class
10 action allegations on September 14, 2011 (“Couch”);

11 WHEREAS, Couch was transferred to the Northern District of California to be
12 consolidated with Garvey and on February 27, 2012, the Court consolidated Couch and Garvey
13 (Docket No. 38);

14 WHEREAS, on January 5, 2012, Hulu filed an ADR Certification with this Court (Docket
15 No. 33);

16 WHEREAS, on January 5, 2012, the Garvey Plaintiffs and Hulu filed a Stipulation and
17 [Proposed] Order Selecting ADR Process, selecting court-run mediation to occur after the Court
18 decides defendant’s motion(s) under Federal Rule of Civil Procedure 12 (Docket No. 34);

19 WHEREAS, on January 18, 2012, this court entered the parties’ proposed order and
20 thereby referred the matter to the Court’s ADR Program (Docket No. 35);

21 WHEREAS, on March 28, 2012, each of the Couch Plaintiffs filed an ADR Certification
22 (Docket Nos. 45, 46, 47, 52);

23 WHEREAS, on April 3, 2012 and April 24, 2012, counsel for each party participated in
24 conference calls with Robin W. Siefkin, ADR Program Staff Attorney, to discuss the referral to
25 the ADR Program (Docket No. 44);

26 WHEREAS the parties agreed during the discussions with Ms. Siefkin that they would
27 prefer to participate in private mediation in lieu of mediation through the Court’s ADR Program;

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1 Therefore, pursuant to Civil Local Rule 16-8 and ADR Local Rule 3-5, Hulu and
2 Plaintiffs hereby stipulate and agree that:

3 The January 18, 2012 order referring this matter to mediation through the Court's ADR
4 Program should be vacated by this Court;

5 In lieu of participating in the Court's ADR Program, the parties shall participate in private
6 mediation within ninety (90) days of the Court issuing its ruling on Hulu's motion(s) under
7 Federal Rule of Civil Procedure 12, subject to the mediator's availability.

8
9 Dated: May 2, 2012

O'MELVENY & MYERS LLP

10
11 By: /s/ Randall W. Edwards
12 Randall W. Edwards
13 Attorneys for Defendant Hulu, LLC

14 Dated: May 2, 2012

PARISI & HAVENS LLP

15
16 By: /s/ David C. Parisi
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18 Attorneys for Plaintiffs Joseph Garvey and
19 Stacey Tsan and the putative class

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Counsel for Plaintiffs Joseph Garvey and
Stacey Tsan

Dated: May 2, 2012

STRANGE & CARPENTER

By: /s/ Brian R. Strange

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Counsel for Plaintiffs Susan Couch, Cristina
Carza, Concepcion Jauregui, and Silvano
Moncada

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ATTORNEY ATTESTATION

Pursuant to General Order 45, I, Randall W. Edwards, hereby attest that concurrence in the filing of this document has been obtained from David C. Parisi and Brian R. Strange.

Dated: May 2, 2012

By: /s/Randall W. Edwards
Randall W. Edwards

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~~PROPOSED~~
ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED THAT

1. The January 18, 2012 order referring this matter to mediation through the Court's ADR Program (Docket No. 35) is vacated;
2. In lieu of participating in the Court's ADR Program, the parties shall participate in private mediation within ninety (90) days of the Court issuing its ruling on Hulu's motion(s) under Federal Rule of Civil Procedure 12, subject to the mediator's availability.

DATED: May 16, 2012



Hon. LAUREL BEELER
United States Magistrate Judge