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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANDREAS ALBECK, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. APPLE INC.; HACHETTE BOOK GROUP, INC.; HARPERCOLLINS PUBLISHERS, INC.; MACMILLAN PUBLISHERS, INC.; PENGUIN GROUP (USA) INC.; and SIMON & SCHUSTER, INC., Defendants.	**CASE NO. 3:11-CV-04110-EMC** **STIPULATION AND [PRO~~POSE~~D] ORDER TO EXTEND TIME TO RESPOND TO COMPLAINT**

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STIPULATION AND [PROPOSED] ORDER TO EXTEND TIME TO RESPOND TO COMPLAINT

WHEREAS, there have been multiple actions related to this case filed in both the Northern District of California and the Southern District of New York (the "Actions");

WHEREAS, the Court has entered an order in one of the related actions, *Petru, et al. v. Apple, Inc., et al.* (11-cv-3892 N.D. Cal.) (the "*Petru* Action"), to extend the time to answer, move or otherwise respond to the complaint until December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the schedule;

WHEREAS, for efficiency and convenience of the parties, defendants Hachette Book Group, Inc., HarperCollins Publishers L.L.C. (incorrectly sued as "HarperCollins Publishers, Inc."), Holtzbrinck Publishers, LLC d/b/a Macmillan (incorrectly sued as "Macmillan Publishers, Inc."), Penguin Group (USA) Inc., Simon & Schuster, Inc., and Apple, Inc. (collectively, "Defendants") have agreed to waive the service of summons and complaint pursuant to Fed. R. Civ. P. 4(d);

WHEREAS, the parties have agreed that the response date in this action should not come prior to the response date in the *Petru* Action;

WHEREAS, Plaintiff agrees that submission of this Stipulation should be without prejudice to any defense of Defendants;

WHEREAS, there have been no other modifications to Defendants' time to answer, move or otherwise respond to the complaint in this action;

WHEREAS, this stipulation to extend the time within which Defendants have to answer, move or otherwise respond to the complaint in this action will not alter the date of any event or any deadline already fixed by Court order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendants, as follows:

1. Defendants hereby agree to accept service of the summons and complaint in the above-captioned action;

2. Pursuant to Civil Local Rules 6-1, 6-2, and 7-12 Defendants' time to answer, move or otherwise respond to the complaint is hereby extended to December 15, 2011, without prejudice to the right of any party to seek a further adjustment to the response date based on future developments;

3. If any of the Defendants that is a party to this Stipulation responds to a complaint in any of the Actions prior to the time provided in this Stipulation, Defendants will respond to the complaint in this action at the same time;

4. No defense of Defendants is prejudiced or waived by its submission of this Stipulation; and

5. Defense counsel may file notices of appearance in this action without prejudice to their respective clients' jurisdictional or venue defenses.

DATED: November 1, 2011

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I, Raoul D. Kennedy, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order to Extend Time To Respond To Complaint. In compliance with General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/2, 2011

By: _____
Hon. Edward M. Chen
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Judge Edward M. Chen