

1 David J. Lender (pending *pro hac vice*)  
 Eric S. Hochstadt (pending *pro hac vice*)  
 2 Kristen M. Echemendia (pending *pro hac vice*)  
 WEIL, GOTSHAL & MANGES LLP  
 3 767 Fifth Avenue  
 New York, NY 10153  
 4 Telephone: (212) 310-8000  
 Facsimile: (212) 310-8007  
 5 david.lender@weil.com  
 eric.hochstadt@weil.com  
 6 kristen.echemendia@weil.com

7 Christopher J. Cox (Bar No. 151650)  
 chris.cox@weil.com  
 8 Liani Kotcher (Bar No. 277282)  
 liani.kotcher@weil.com  
 9 WEIL, GOTSHAL & MANGES LLP  
 201 Redwood Shores Parkway  
 10 Redwood Shores, CA 94065  
 Telephone: (650) 802-3000  
 11 Facsimile: (650) 802-3100

12 *Attorneys for Defendants StubHub, Inc.  
 and The Phillies, L.P.*

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 OAKLAND VISION

17 JOSEPH FABOZZI, on behalf of himself and  
 those similarly situated,  
 18  
 Plaintiff,  
 19  
 vs.  
 20 STUBHUB, INC. and THE PHILLIES, L.P.,  
 21  
 Defendants.  
 22

Case No. 11-cv-4385 <sup>EMC</sup>(LB)  
**STIPULATED REQUEST TO  
 EXTEND DEFENDANTS' TIME TO  
 RESPOND TO PLAINTIFF'S  
 AMENDED CLASS ACTION  
 COMPLAINT AND ~~PROPOSED~~  
 ORDER**

23  
 24  
 25  
 26  
 27  
 28  
 STIP TO EXTEND TIME TO RESPOND TO PLAINTIFF'S  
 AMENDED CLASS ACTION COMPLAINT AND  
 [PROPOSED] ORDER

Case No.: 11-cv-4385 (LB)

1 Pursuant to Federal Rule of Civil Procedure 15(a) and this stipulation, Defendants  
2 StubHub, Inc. and the Phillies, L.P. (“Defendants”) hereby request that the Court extend the  
3 deadline for Defendants to file a response to plaintiff Joseph Fabozzi’s (“Plaintiff”) Amended  
4 Class Action Complaint to October 28, 2011, with Plaintiff’s opposition to any motions to  
5 dismiss due December 2, 2011 and Defendants’ reply due December 16, 2011. Plaintiff stipulates  
6 to this request.

7 1. WHEREAS on September 1, 2011, Plaintiff filed an Amended Class  
8 Action Complaint.

9 2. WHEREAS the current deadline for StubHub to submit a response to  
10 Plaintiff’s Amended Class Action Complaint is October 7, 2011. *See* Fed. R. Civ. P. 15(a)(3).

11 3. WHEREAS the Phillies have not been served with the Amended Class  
12 Action Complaint, and, therefore, the Phillies time to respond has not started. *See id.* As a  
13 condition of this stipulation, counsel will accept service for the Phillies.

14 4. WHEREAS a stipulation would allow both Defendants’ motions to dismiss  
15 to proceed on the same schedule.

16 5. Defendants request that the deadline for them to file their answer or a  
17 motion to dismiss the Amended Class Action Complaint be rescheduled to October 28, 2011.  
18 Plaintiff stipulates to this request.

19 6. Plaintiff requests that the deadline for him to file an opposition to any  
20 motion to dismiss be rescheduled to December 2, 2011. Defendants stipulate to this request.

21 7. Defendants request that the deadline for them to file a reply to any  
22 opposition to their motion to dismiss be rescheduled to December 16, 2011. Plaintiff stipulates to  
23 this request.

1 Counsel for Defendants attest under penalty of perjury that counsel for Plaintiff  
2 concurs in the filing of this stipulated request.

3  
4 DATED: October 5, 2011

5 JOSEPH FABOZZI

STUBHUB, INC. AND THE PHILLIES, L.P.

6  
7 By: /s/Randall S. Newman  
8 RANDALL S. NEWMAN, P.C.  
9 Randall S. Newman (Cal. Bar No. 190547)  
10 37 Wall Street, Penthouse D  
11 New York, NY 10005  
12 Telephone: (212) 797-3737  
13 Facsimile: (212) 797-3172  
14 rsn@randallnewman.net

15 *Attorneys for Plaintiff*

By: /s/ Christopher J. Cox  
WEIL GOTSHAL & MANGES LLP  
David J. Lender  
(pending *pro hac vice*)  
Eric S. Hochstadt  
(pending *pro hac vice*)  
Kristen M. Echemendia  
(pending *pro hac vice*)  
767 Fifth Avenue  
New York, NY 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
david.lender@weil.com  
eric.hochstadt@weil.com  
kristen.echemendia@weil.com

Christopher J. Cox (Bar No. 151650)  
chris.cox@weil.com  
Liani Kotcher (Bar No. 277282)  
liani.kotcher@weil.com  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

*Attorneys for Defendants StubHub, Inc.  
and The Phillies, L.P.*

21  
22 ~~PROPOSED~~ ORDER

23 Pursuant to stipulation, IT IS SO ORDERED.

24 Dated: October 24, 2011

25 \_\_\_\_\_  
26 Hon. Edward M. Chen  
27 United States District Judge  
28