

1 **STIPULATION AND [PROPOSED] ORDER**
2 **TO EXTEND TIME TO RESPOND TO COMPLAINT**

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

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

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

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

17 WHEREAS, the parties agree that submission of this Stipulation should be without
18 prejudice to any of Plaintiff's claims or Defendants' defenses;

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

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

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

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

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

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

8 4. None of Plaintiff's claims or Defendants' defenses are prejudiced or waived
9 by submission of this Stipulation; and

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

12 DATED: November 1, 2011

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

By: /s/ Raoul D. Kennedy

RAOUL D. KENNEDY

525 University Ave., Suite 1100
Palo Alto, California 94301
Telephone: (650) 470-4500
Facsimile: (650) 470-4570

Attorneys for Specially Appearing Defendant
HARPERCOLLINS PUBLISHERS L.L.C.

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

By: /s/ James Donato
JAMES DONATO

Four Embarcadero Center, Suite 3800
San Francisco, California 94111
Telephone: (415) 616-1100
Facsimile: (415) 616-1199

Attorneys for Specially Appearing Defendant
HACHETTE BOOK GROUP, INC.

SIDLEY AUSTIN LLP

By: /s/ Samuel R. Miller
SAMUEL R. MILLER

555 California Street
San Francisco, California 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400

Attorneys for Specially Appearing Defendant
HOLTZBRINCK PUBLISHERS, LLC
D/B/A MACMILLAN

AKIN GUMP STRAUSS HAUER & FELD LLP

By: /s/ Reginald D. Steer
REGINALD D. STEER

580 California Street, Suite 1500
San Francisco, California 94104-1036
Telephone: (415) 765-9520
Facsimile: (415) 765-9501

Attorneys for Specially Appearing Defendant
PENGUIN GROUP (USA) INC.

