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15 Attorneys for Defendants
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 17 SAMSUNG TELECOMMUNICATIONS AMERICA, LLC

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

21 ROSEANNE CASTRO, Individually and on)
 22 Behalf of All Others Similarly Situated,)
 23)
 24 Plaintiff,)
 25)
 26 vs.)
 27)
 28 CARRIER IQ, INC.; SAMSUNG)
 ELECTRONICS AMERICA, INC.; and)
 SAMSUNG TELECOMMUNICATIONS)
 AMERICA, INC.,)
 Defendants.)

CASE NO. 3:11-CV-06201-RS

STIPULATED REQUEST FOR AN
 ORDER GRANTING A STAY AND
~~PROPOSED~~ ORDER as modified by the
 court

**STIPULATED REQUEST FOR AN ORDER
GRANTING A STAY AND ~~PROPOSED~~ ORDER**

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2
3 Plaintiff Roseanne Castro and Defendants Samsung Electronics America, Inc. and
4 Samsung Telecommunications America, LLC¹ (the “Samsung Defendants”) (collectively, the
5 “Stipulating Parties”) by and through their respective counsel, hereby make a stipulated request for
6 an Order staying all proceedings and deadlines in this action until forty-five (45) days after the
7 Panel on Multidistrict Litigation (“Panel”) has issued a ruling on the currently pending motions for
8 coordination or consolidation of this and other actions captioned In re Carrier IQ, Inc. Consumer
9 Privacy Litigation (MDL No. 2330) (the “MDL Motions”), and in support of this Request, state as
10 follows:

11 WHEREAS, the Complaint in the above-captioned action was filed on December 9,
12 2011;

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

15 WHEREAS, pursuant to the Clerk’s Notice dated December 22, 2011, the Initial
16 Case Management Conference in the above-captioned action is scheduled for March 15, 2012;

17 WHEREAS, the Complaint alleges, among other things, that Defendants violated
18 the privacy rights of mobile phone and other device consumers whose devices use software made
19 by defendant Carrier IQ, Inc.;

20 WHEREAS over 50 other complaints have been filed to date in federal district
21 courts throughout the United States by consumers purporting to bring class actions on behalf of
22 similarly situated class members (collectively, including the above-captioned matter, the “CIQ
23 cases”);

24 WHEREAS, several motions are pending before the Judicial Panel on Multidistrict
25 Litigation to transfer the CIQ cases to various transferee courts for coordinated and consolidated
26

27 ¹ Samsung Telecommunications America, LLC was erroneously sued as Samsung
28 Telecommunications America, Inc.

1 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motions supporting
2 coordination or consolidation were filed on December 27, 2011, and Plaintiff and the Samsung
3 Defendants anticipate that additional responses will be filed; and

4 WHEREAS, in light of the pending MDL Motions and to facilitate an orderly
5 schedule for responding to the pleadings in the CIQ Cases, the Stipulating Parties in this case have
6 agreed that the deadline for the Samsung Defendants to answer, move, or otherwise respond to the
7 Complaint shall be extended until forty-five (45) days after the Judicial Panel on Multidistrict
8 Litigation issues an order deciding the MDL Motions, or as otherwise ordered by the MDL
9 transferee court if one of the MDL Motions is granted; provided, however, that in the event that
10 any of the Samsung Defendants should agree to an earlier response date in any of the CIQ Cases,
11 that Samsung Defendant will respond to the Complaint on that earlier date;

12 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
13 counsel for Plaintiff and Samsung Defendants, that:

14 1. Pursuant to Local Rule 6-1, 6-2 and 7-12, all proceedings and deadlines in
15 the above-captioned action that pertain to the Samsung Defendants are stayed until forty-five (45)
16 days after the Panel on Multidistrict Litigation rules on the MDL Motions or until further order of
17 this Court or the MDL Transferee Court;

18 2. This stay shall include a continuance of the Samsung Defendants' deadline
19 to answer, move to dismiss, or otherwise respond to the Complaint;

20 3. Any obligations of the Stipulating Parties to meet and confer regarding
21 initial disclosures under FRCP 26(f) are stayed until further Order from the Court or the MDL
22 Transferee Court;

23 4. This Stipulation does not constitute a waiver by the Samsung Defendants of
24 any defense, including but not limited to the defenses of lack of personal jurisdiction, subject
25 matter jurisdiction, improper venue, sufficiency of process or service of process; and

26 5. Nothing in this Order shall prohibit any Stipulating Party in the above-
27 captioned action from petitioning the court to lift the stay as events warrant.

28 //

1 DATED: January __, 2012

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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3
4 By: /s/ Lance A. Etcheverry
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10 SAMSUNG TELECOMMUNICATIONS AMERICA,
LLC

11 I, Lance A. Etcheverry, am the ECF User whose ID and password are being used to file this
12 Stipulated Request For An Order Granting A Stay and [Proposed] Order. In compliance with
13 General Order 45, X.B., I attest that each of the following signatories has concurred in this filing.

14 NEWPORT TRIAL GROUP, A PROFESSIONAL
15 CORPORATION

16
17 By: /s/ James Byron Hardin
JAMES BYRON HARDIN

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22 ROSEANNE CASTRO

23 ****Until and unless this matter is transferred to an MDL proceeding or responsive pleadings are
filed, the parties shall submit a joint status report every 90 days.**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 1/6/12, 2012

26 

27 By:

28 Hon. Richard Seeborg
UNITED STATES DISTRICT JUDGE