

1 JAY EDELSON (Admitted *Pro Hac Vice*)
 jedelson@edelson.com
 2 RAFEY S. BALABANIAN (Admitted *Pro Hac Vice*)
 rbalabanian@edelson.com
 3 BENJAMIN H. RICHMAN (Admitted *Pro Hac Vice*)
 brichman@edelson.com
 4 CHANDLER R. GIVENS (Admitted *Pro Hac Vice*)
 cgivens@edelson.com
 5 EDELSON MCGUIRE LLC
 350 North LaSalle Street, Suite 1300
 6 Chicago, Illinois 60654
 Tel: 312.589.6370
 7 Fax: 312.589.6378

8 *Attorneys for Plaintiff and the Putative Class*

9 KEITH E. EGGLETON
 keggleton@wsgr.com
 10 MAURA L. REES
 mrees@wsgr.com
 11 ANTHONY J. WEIBELL
 aweibell@wsgr.com
 12 WILSON SONSINI GOODRICH & ROSATI
 650 Page Mill Road
 13 Palo Alto, California 94304
 Tel: 650.493.9300
 14 Fax: 650.565.5100

15 *Attorneys for Defendant SYMANTEC CORP.*

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

19 JAMES GROSS, individually and on behalf of
 all others similarly situated,

20 *Plaintiff,*

21 v.

22 SYMANTEC CORPORATION, a Delaware
 23 corporation, and PC TOOLS, LTD., an Irish
 24 limited company,

25 *Defendants.*

Case No. 3:12-cv-00154-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE AND HEARING ON
 MOTION TO DISMISS**

Date: December 14, 2012

Time: 10:00 a.m.

Judge: Hon. Charles R. Breyer

1 Plaintiff James Gross and Defendant Symantec Corporation (collectively, the “Parties”), by
2 and through their undersigned counsel, hereby stipulate and agree, subject to Court approval, to
3 continue the case management conference and hearing on Symantec’s pending motion to dismiss
4 currently set for December 14, 2012 at 10:00 a.m. to February 5, 2013 at 10:00 a.m. (or such other
5 date and time as the Court may set), so that they may focus their time and other resources on
6 finalizing a class action settlement of this matter, which they will ultimately present to the Court
7 for approval. In support of the instant stipulation, the Parties state as follows:

8 **WHEREAS**, by stipulation of the Parties, the Court has set the hearing on Symantec’s
9 motion and an initial case management conference in this matter for December 14, 2012 at 10:00
10 a.m., (Dkt. No. 56);

11 **WHEREAS**, on November 12, 2012, the Parties participated in an all-day mediation
12 session before John B. Bates, Jr. of JAMS in San Francisco, California, and are now in the process
13 of finalizing a class action settlement of this matter;

14 **WHEREAS**, in an effort to reduce the expenditure of time and other resources by the
15 Parties and the Court, and to focus on finalizing their settlement, the Parties have conferred and
16 agreed, subject to Court approval, that the case management conference and motion hearing
17 currently set for December 14th should be continued to February 5, 2013; and

18 **WHEREAS**, good cause exists to continue the case management conference and motion
19 hearing, and the Parties do not seek the relief contemplated herein for any improper purpose,

20 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** as follows:

21 1. The hearing on Symantec’s motion to dismiss and the case management conference
22 currently set for December 14, 2012 at 10:00 a.m. shall be continued to February 5, 2013 at 10:00
23 a.m. (or such other date and time as the Court may set).

24 **IT IS SO STIPULATED.**

JAMES GROSS, individually and on behalf of all others similarly situated,

Dated: December 7, 2012

By: /s/ Benjamin H. Richman
One of Plaintiff's Attorneys

SEAN P. REIS (SBN 184044)
sreis@edelson.com
EDELSON MCGUIRE, LLP
30021 Tomas Street, Suite 300
Rancho Santa Margarita, California 92688
Tel: 949.459.2124

JAY EDELSON (Admitted *Pro Hac Vice*)
jedelson@edelson.com
RAFEY S. BALABANIAN (Admitted *Pro Hac Vice*)
rbalabanian@edelson.com
BENJAMIN H. RICHMAN (Admitted *Pro Hac Vice*)
brichman@edelson.com
CHANDLER R. GIVENS (Admitted *Pro Hac Vice*)
cgivens@edelson.com
EDELSON MCGUIRE LLC
350 North LaSalle Street, Suite 1300
Chicago, Illinois 60654
Tel: 312.589.6370

SYMANTEC CORPORATION,

Dated: December 7, 2012

By: /s/ Anthony J. Weibell
One of Defendant's Attorneys

KEITH E. EGGLETON
keggleton@wsgr.com
MAURA L. REES
mrees@wsgr.com
ANTHONY J. WEIBELL
aweibell@wsgr.com
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, California 94304
Tel: 650.493.9300

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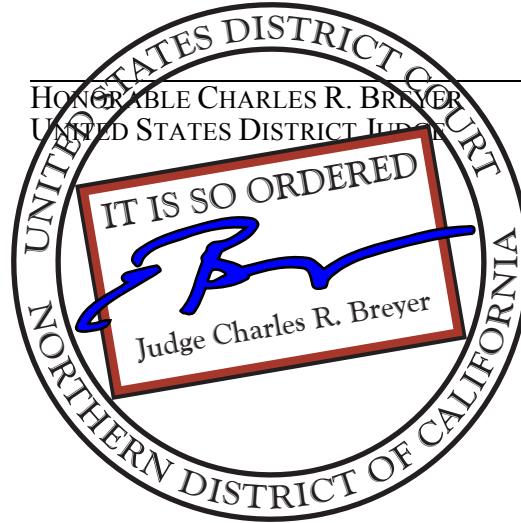
ORDER

Pursuant to stipulation and for good cause shown, **IT IS SO ORDERED:**

1. The hearing on Symantec’s motion to dismiss and the case management conference currently set for December 14, 2012 at 10:00 a.m. shall be continued to February 15 (Friday) 2013 at 10:00 a.m.

DATED: December 11, 2012

HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE



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