

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TRIG R. SMITH (237399)
DANIELLE S. MYERS (259916)
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
tsmith@rgrdlaw.com
dmyers@rgrdlaw.com

- and -

SAMUEL H. RUDMAN
DAVID A. ROSENFELD
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100
631/367-1173 (fax)
srudman@rgrdlaw.com
drosenfeld@rgrdlaw.com

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL SPATZ, et al., on Behalf of
Themselves and All Others Similarly
Situated,

Plaintiffs,

vs.

FACEBOOK, INC., et al.,

Defendants.

No. 3:12-cv-02662-MMC

CLASS ACTION

STIPULATION SETTING
COORDINATED BRIEFING
SCHEDULE ON LEAD PLAINTIFF
MOTIONS AND ORDER APPROVING
STIPULATION; ORDER VACATING
HEARING

1 WHEREAS, presently pending before this Court are 14 securities class action
2 lawsuits (the “California Actions”) brought against Facebook, Inc. (the “Company”),
3 various of its officers and directors, and various underwriters of the Company’s May
4 18, 2012 initial public offering, alleging violations of Sections 11, 12(a)(2), and 15 of
5 the Securities Act of 1933;

6 WHEREAS, 19 substantially similar actions are also pending in the United
7 States District Court for the Southern District of New York (the “New York Actions”) and a multi-district litigation (“MDL”) action was filed with the Judicial Panel on
8 Multidistrict Litigation (“JPML”) on June 14, 2012 (*IN RE: Facebook, Inc., IPO*
9 *Securities and Derivative Litigation*, MDL No. 2389);

10 WHEREAS, Pursuant to Section 27 of the Securities Act of 1933, 15 U.S.C.
11 §77z-1(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995
12 (“PSLRA”), the following seven movants filed motions for consolidation,
13 appointment as lead plaintiff and approval of their selection of counsel on July 23,
14 2012 in *Spatz v. Facebook, Inc. et al.*, No. 3:12-cv-02662 (N.D. Cal.) (“*Spatz*”):

- 15 1. William H. Anhood, and Jose and Mary Galvan (Dkt. No. 64);
- 16 2. Michael Spatz and Sanjay Israni (Dkt. No. 67);
- 17 3. A. Marcus Gerber (Dkt. No. 70);
- 18 4. Eiffel Tower Ventures, LLC, The GAF Unit Trust and White Dune LLC
19 (Dkt. No. 71);
- 20 5. KBC Asset Management NV and the Employees’ Retirement System of
21 the Government of the Virgin Islands (collectively, the Institutional
22 Investors”) (Dkt. No. 73);
- 23 6. Ramesh Purohit, Karen Stewart and Scott Wilson (collectively, the
24 “Facebook Investor Group”) (Dkt. No. 75); and
- 25 7. North Carolina Department of State Treasurer on behalf of the North
26 Carolina Retirement Systems, Banyan Capital Master Fund Ltd.,
27 Arkansas Teacher Retirement System, and the Fresno County
28 Employees’ Retirement Association (collectively, the “Institutional
Investor Group”) (Dkt. No. 84);

1 WHEREAS, pursuant to the PSLRA, six of the same movants, in addition to
2 four additional movants (Alexis Alexander, as custodian for Chloe Sophie Alexander,
3 Robert Herpst and Vinjay Akkaraju; Rick Pond; First New York Securities L.L.C., T3
4 Trading Group, LLC and Avatar; and Desmond Doris, Donald Pompliano, Eric Rand
5 and Ranford Williams), filed motions for consolidation, appointment as lead plaintiff
6 and approval of their selection of counsel on July 23, 2012 in *Brian Roffe Profit*
7 *Sharing Plan v. Facebook, Inc., et al.*, No. 1:12-cv-04081 (S.D.N.Y.) (“*Roffe*”);

8 WHEREAS, on June 13, 2012, the Court entered a stipulation deferring the
9 time for defendants to answer, move or otherwise respond to the complaint in the
10 above-captioned action until the appointment of lead plaintiff(s), approval of selection
11 of lead counsel for plaintiff(s), and entry of a stipulation between lead plaintiff(s) and
12 defendants, or Court order, setting forth a schedule for the filing of a consolidated
13 amended complaint and defendants’ responses thereto (Dkt. No. 24);

14 WHEREAS, as a result of different local rules, the briefing schedules for the
15 lead plaintiff motions would result in different deadlines for the California Actions
16 and the New York Actions, as follows:

	<u><i>Spatz</i> (N.D. Cal.)</u>	<u><i>Roffe</i> (S.D.N.Y.)</u>
16 Opposition Brief Deadline	August 6, 2012	August 9, 2012
17 Reply Brief Deadline	August 13, 2012	August 20, 2012
18 Hearing Date	August 31, 2012 at 9:00 a.m.	n/a

19 WHEREAS, counsel for the movants have conferred and agreed to coordinate
20 the briefing schedules so that opposition and reply memoranda would be filed on the
21 same date in both jurisdictions; and

22 WHEREAS, the requested time modification will have no effect on the
23 schedule for the case.

24 IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED, by and
25 among counsel for plaintiffs herein, subject to the Court’s approval, that:

26 1. All opposition and reply briefing on the pending lead plaintiff motions in
27 both *Spatz* and *Roffe*, will be filed and served on the dates noted above in the *Roffe*
28 action, *i.e.*, August 9, 2012 for responses, and August 20, 2012 for replies.

IT IS SO STIPULATED.

1 DATED: July 31, 2012

ROBBINS GELLER RUDMAN
& DOWD LLP
TRIG R. SMITH
DANIELLE S. MYERS

2
3
4
5 
6 DANIELLE S. MYERS

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)

7
8
9 ROBBINS GELLER RUDMAN &
DOWD LLP
10 SAMUEL H. RUDMAN
11 DAVID A. ROSENFELD
12 58 South Service Road, Suite 200
13 Melville, NY 11747
14 Telephone: 631/367-7100
15 631/367-1173 (fax)

16 CRIDEN & LOVE, P.A.
17 MICHAEL E. CRIDEN
18 7301 SW 57th Court, Suite 515
19 South Miami, FL 33143
20 Telephone: 305/357-9000
21 305-357-9050 (fax)

*Attorneys for Eiffel Tower Ventures, LLC,
the GAF Unit Trust and White Dune LLC*

19 DATED: July 31, 2012

LIEFF CABRASER HEIMANN
& BERNSTEIN, LLP
RICHARD M. HEIMANN
JOY A. KRUSE
SHARON M. LEE

22
23 
24 JOY A. KRUSE

25 275 Battery Street, 29th Floor
26 San Francisco, California 94111-3339
27 Telephone: 415/956-1000
28 415/956-1008 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LIEFF, CABRASER, HEIMANN
& BERNSTEIN, LLP
STEVEN E. FINEMAN
DANIEL P. CHIPLOCK
NICHOLAS DIAMAND
250 Hudson Street, 8th Floor
New York, NY 10013-1413
Telephone: 212/355-9500
212/355-9592 (fax)

POMERANTZ HAUDEK GROSSMAN
& GROSS LLP
MARC I. GROSS
JEREMY A. LIEBERMAN
600 Third Avenue, 20th Floor
New York, New York 10016
Telephone: 212/661-1100
212/661-8665 (fax)

POMERANTZ HAUDEK
GROSSMAN & GROSS LLP
Patrick V. Dahlstrom
Ten South LaSalle Street, Suite 3505
Chicago, Illinois 60603
Telephone: 312/377-1181
312/377-1184 (fax)

Attorneys for William H. Anhood, Jose Galvan and Mary Galvan

DATED: July 31, 2012

THE MEHDI FIRM
AZRA Z. MEHDI


AZRA Z. MEHDI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

One Market
Spear Tower, Suite 3600
San Francisco, CA 94105
Telephone: 415/293-8039
415/293-8001 (fax)

MORGAN & MORGAN, P.C.
PETER SAFIRSTEIN
DOMENICO MINERVA
ELIZABETH METCALF
Five Penn Plaza, 23rd Floor
New York, NY 10001
Telephone: 212/564-1637
212/564-1807 (fax)

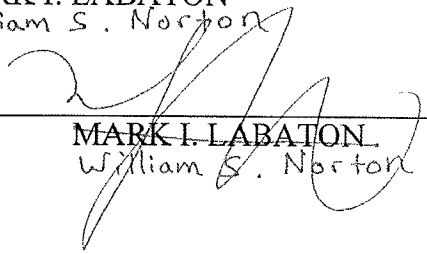
MORGAN & MORGAN, P.A.
CHRISTOPHER S. POLASZEK
One Tampa City Center
201 N. Franklin St., 7th Floor
Tampa, FL 33602
Telephone: 813/314-6484
813/222-2406 (fax)

KING AND NIX, LLC
TROY KING
7020 Fain Park Drive, Suite 1
Montgomery, AL 36117
Telephone: 334/215-4440
334/215-4438 (fax)

*Attorneys for Ramesh Purohit, Karen
Stewart and Scott Wilson*

DATED: July 31, 2012

MOTLEY RICE LLP
MARK I. LABATON
William S. Norton



MARK I. LABATON
William S. Norton

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

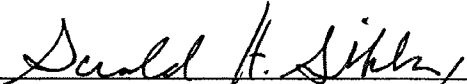
1801 Century Park East, Suite 475
Los Angeles, CA 90067
Telephone: 310/552-7992
310/552-8054 (fax)

MOTLEY RICE LLC
JOSEPH F. RICE
JAMES M. HUGHES
WILLIAM S. NORTON
DAVID P. ABEL
28 Bridgeside Blvd.
Mount Pleasant, SC 29464
Telephone: 843/216-9000
843/216-9450 (fax)

*Attorneys for KBC Asset Management NV
and the Employees' Retirement System of
the Government of the Virgin Islands*

DATED: July 31, 2012

BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP
TIMOTHY A. DeLANGE


TIMOTHY A. DeLANGE
Gerald H. Silk *mslb*

12481 High Bluff Drive, Suite 300
San Diego, CA 92130
Telephone: 858/793-0070
858/793-0323 (fax)

BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP
MAX W. BERGER
GERALD H. SILK
ROSS SHIKOWITZ
1285 Avenue of the Americas
New York, New York 10019
Telephone: 212/554-1400
212/554-1444 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


LABATON SUCHAROW LLP
THOMAS A. DUBBS
CHRISTOPHER J. KELLER
ERIC J. BELFI
MICHAEL W. STOCKER
140 Broadway
New York, New York 10005
Telephone: 212/907-0700
212/818-0477 (fax)

KESSLER TOPAZ MELTZER
& CHECK, LLP
DARREN J. CHECK
SEAN M. HANDLER
280 King of Prussia Road
Radnor, Pennsylvania 19087
Telephone: 610/667-7706
610/667-7056 (fax)

*Attorneys for North Carolina Department
of State Treasurer on behalf of the North
Carolina Retirement Systems, Banyan
Capital Master Fund Ltd., Arkansas
Teacher Retirement System, the Fresno
County Employees' Retirement
Association*

DATED: July 31, 2012

WOLF HALDENSTEIN ADLER
FREEMAN
& HERZ LLP
FRANCIS M. GREGOREK
BETSY C. MANIFOLD
RACHELE R. RICKERT
PATRICK H. MORAN



PATRICK H. MORAN

750 B Street, Suite 2770
San Diego, CA 92101
Telephone: 619/239-4599
619/234-4599 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WOLF HALDENSTEIN ADLER
FREEMAN
& HERZ LLP
GREGORY M. NESPOLE
ROBERT B. WEINTRAUB
270 Madison Avenue
New York, New York 10016
Telephone: 212/545-4600
212/545-4653 (fax)

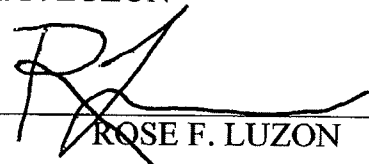
WOLF HALDENSTEIN ADLER
FREEMAN
& HERZ LLC
ADAM J. LEVITT
55 West Monroe Street, Suite 1111
Chicago, Illinois 60603
Telephone: 312/984-0000
312/984-0001 (fax)

LAW OFFICES OF MARC S. HENZEL
MARC S. HENZEL
431 Montgomery Ave. Suite B
Merion Station, PA 19066

*Attorneys for Michael Spatz and Sanjay
Israni*

DATED: July 31, 2012

SHEPHERD, FINKELMAN, MILLER
& SHAH, LLP
ROSE F. LUZON



401 West A Street, Suite 2350
San Diego, CA 92101
Telephone: 619/235-2416
619/234-7334 (fax)

SHEPHERD, FINKELMAN, MILLER
& SHAH, LLP
JAMES E. MILLER
KAREN M. LESER-GRENON
65 Main St.
Chester, CT 06412
Telephone: 860/526-1100
860/526-1120 (fax)

Attorneys for Movant A. Marcus Gerber

* * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED that the hearing scheduled for August 31, 2012 is VACATED. See 15 U.S.C. § 78u-4(a)(3)(B)(ii).

DATED: August 6, 2012



THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE