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 8 BREYER, DONALD E. GRAHAM, REED HASTINGS  
 and PETER A. THIEL  
 9

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **OAKLAND DIVISION**

13 HARVEY LAPIN, Individually and On Behalf of  
 All Others Similarly Situated,

14 Plaintiff,

15 v.

16 FACEBOOK, INC., MARK ZUCKERBERG,  
 17 DAVID A. EBERSMAN, DAVID M. SPILLANE,  
 MARC L. ANDREESSEN, ERSKINE B.  
 18 BOWLES, JAMES W. BREYER, DONALD E.  
 GRAHAM, REED HASTINGS, PETER A. THIEL,  
 19 MORGAN STANLEY & CO. LLC, J.P. MORGAN  
 SECURITIES LLC, GOLDMAN, SACHS & CO.,  
 20 MERRILL LYNCH, PIERCE, FENNER & SMITH  
 INCORPORATED, BARCLAYS CAPITAL INC.,  
 21 ALLEN & COMPANY LLC, CITIGROUP  
 GLOBAL MARKETS INC., CREDIT SUISSE  
 22 SECURITIES (USA) LLC, DEUTSCHE BANK  
 SECURITIES INC., RBC CAPITAL MARKETS,  
 23 LLC, BLAYLOCK ROBERT VAN LLC, BMO  
 CAPITAL MARKETS CORP., C.L. KING &  
 24 ASSOCIATES, INC., CABRERA CAPITAL  
 MARKETS, LLC, CASTLEOAK SECURITIES,  
 25 L.P., COWEN AND COMPANY, LLC., E\*TRADE  
 SECURITIES LLC, ITAÚ BBA USA  
 26 SECURITIES, INC., LAZARD CAPITAL  
 MARKETS LLC, LEBENTHAL & CO., LLC,  
 27 LOOP CAPITAL MARKETS LLC, M.R. BEAL &  
 COMPANY, MACQUARIE CAPITAL (USA)  
 28 INC., MURIEL SIEBERT & CO., INC.,

CASE NO. 12-CV-3195 (MMC)

**CLASS ACTION**

**STIPULATION REGARDING  
 SCHEDULING AND ORDER THEREON**

DATE: August 3, 2012

TIME: 9:00 a.m.

JUDGE: The Hon. Maxine M. Chesney

CTRM: 7, 19<sup>th</sup> Floor

1 OPPENHEIMER & CO. INC., PACIFIC CREST  
2 SECURITIES LLC, PIPER JAFFRAY & CO.,  
3 RAYMOND JAMES & ASSOCIATES, INC.,  
4 SAMUEL A. RAMIREZ & COMPANY, INC.,  
5 STIFEL, NICOLAUS & COMPANY,  
6 INCORPORATED, THE WILLIAMS CAPITAL  
7 GROUP, L.P., and WILLIAM BLAIR &  
8 COMPANY, L.L.C.,

9 Defendants.

10 WHEREAS, on June 20, 2012, certain defendants removed the following actions from the  
11 Superior Court for the State of California for the County of San Mateo to the United States District  
12 Court for the Northern District of California (the “Removed Actions”):<sup>1</sup>

13 *Lapin v. Facebook, Inc., et al.*, Case No. 12-cv-3195-MMC, San Mateo County  
14 Superior Court, No. CIV-514240;

15 *DeMois v. Facebook, Inc., et al.*, Case No. 12-cv-3196-MMC, San Mateo County  
16 Superior Court, No. CIV514163;

17 *Lazar v. Facebook, Inc., et al.*, Case No. 12-cv-3199-MMC, San Mateo County  
18 Superior Court, No. CIV 514065;

19 *Shierry v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County  
20 Superior Court, No. CIV-514172;

21 *Cuker v. Facebook, Inc., et al.*, Case No. 12-cv-3201-MMC, San Mateo County  
22 Superior Court No. CIV 514238;

23 *Lieber v. Facebook, Inc., et al.*, Case No. 12-cv-3202-MMC, San Mateo County  
24 Superior Court No. CIV-514193; and

25 *Stokes v. Facebook, Inc., et al.*, Case No. 12-cv-3203-MMC, San Mateo County  
26 Superior Court, No. CIV514107;

27 WHEREAS, prior to the removal to the United States District Court for the Northern District  
28 of California, the Removed Actions were consolidated by order of the Honorable Beth L. Freeman,  
Presiding Judge of the Superior Court of the State of California for the County of San Mateo and co-  
lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,

<sup>1</sup> Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-MMC, San Mateo County Superior Court, No. CIV-514111 and *Alfonso v. Facebook, Inc., et al.*, Case No. 12-cv-3198-MMC, San Mateo County Superior Court, No. CIV-514171, have since been voluntarily dismissed and marked closed on this Court’s docket. Accordingly, the parties are not including these actions in the stipulation.

1 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of  
2 San Mateo;

3 WHEREAS, on June 21, 2012 and June 22, 2012, plaintiffs filed motions to remand each of  
4 the Removed Actions to the Superior Court for the State of California for the County of San Mateo;

5 WHEREAS, on June 21, 2012, motions to stay each of the Removed Actions were filed on  
6 behalf of defendants;

7 WHEREAS, on June 29, 2012, the Removed Actions were deemed related to actions pending  
8 before this Court and were subsequently transferred to this Court;

9 WHEREAS, pursuant to the order reassigning each of the Removed Actions to this Court, all  
10 hearing dates on outstanding motions were vacated and the parties were ordered to re-notice said  
11 hearings;

12 WHEREAS, the Court's ECF filing system was inoperable and the parties were unable to re-  
13 notice these hearings by electronic filings on Thursday, June 28, 2012 or Friday, June 29, 2012;

14 WHEREAS, the re-notice of the motions to stay on behalf of defendants were physically  
15 filed on June 29, 2012 and were accepted by the Court;

16 WHEREAS, plaintiffs' counsel, after contacting the Clerk's office when the ECF filing  
17 system was inoperable and being advised that a physically refiled motion would be rejected because  
18 these actions are designated for electronic filing only, and, therefore, plaintiffs physically filed their  
19 re-noticed motions to remand on the next business day, Monday, July 2, 2012;

20 WHEREAS, the parties hereto agree that in the interest of judicial economy, plaintiffs'  
21 motions to remand the Removed Actions and motions on behalf of defendants to stay the Removed  
22 Actions should be briefed and heard on the same schedule; and

23 WHEREAS, the parties hereto wish to have the motions to stay and the motions to remand  
24 the Removed Actions heard on the same date, that date being August 10, 2012.

25 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

26 All briefing in response to either the motions to remand the Removed Actions or the Motions  
27 to Stay the Removed Actions should be served on the parties and filed with the Court no later than  
28 July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

1 All reply briefs in support of the motions to remand the Removed Actions or the motions to  
2 stay the Removed Actions should be served on the parties and filed with the Court no later than July  
3 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

4 In each of the Removed Actions, the parties will file amended notices of the motions to  
5 remand and amended notices of the motions to stay setting August 10, 2012 at 9:00 A.M. as the  
6 hearing date for said motions.

7  
8 Dated July 3, 2012

**KIRKLAND & ELLIS LLP**

*/s/ James F. Basile*

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1 Dated July 3, 2012

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1 Dated July 3, 2012

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Co. LLC, J.P. Morgan Securities LLC, and Goldman,  
Sachs & Co., for themselves and on behalf of the  
underwriter defendants*

18 **PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.**

21 Dated: July 6, 2012

  
HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE