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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 **SAN FRANCISCO DIVISION**

13 VERNON R. DeMOIS, JR., 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 AND MORGAN STANLEY & CO. LLC.,

20 Defendants.
21

CASE NO. 12-CV-3196 (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, 19th Floor

22 WHEREAS, on June 20, 2012, certain defendants removed the following actions from the
23 Superior Court for the State of California for the County of San Mateo to the United States District
24 Court for the Northern District of California (the "Removed Actions"):¹
25

26 ¹ Two other actions that were removed, *Pilgram v. Facebook, Inc., et al.*, Case No. 12-cv-3197-
27 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
28 voluntarily dismissed and marked closed on this Court's docket. Accordingly, the parties are not
including these actions in the stipulation.

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

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

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

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

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

14 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

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

18 All reply briefs in support of the motions to remand the Removed Actions or the motions to
19 stay the Removed Actions should be served on the parties and filed with the Court no later than July
20 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

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

1 Dated July 3, 2012

KIRKLAND & ELLIS LLP

2 */s/ James F. Basile*

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27 *Bowles, James W. Breyer, Donald E. Graham,*
28 *Reed Hastings, Peter A. Thiel*

1 Dated July 3, 2012

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1 Dated July 3, 2012

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

19 Dated: July 6, 2012


HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE