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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 EDWARD J. SHIERRY, Individually and On  
Behalf of All Others Similarly Situated,

14 Plaintiff,

15 v.

16 FACEBOOK, INC., MARK ZUCKERBERG,  
17 DAVID E. 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, GOLDMAN,  
20 SACHS & CO., BARCLAYS CAPITAL INC.,  
ALLEN & COMPANY LLC, CITIGROUP  
21 GLOBAL MARKETS INC., CREDIT SUISSE  
SECURITIES (USA) LLC, DEUTSCHE BANK  
22 SECURITIES INC., RBC CAPITAL MARKETS,  
LLC, BLAYLOCK ROBERT VAN LLC, BMO  
CAPITAL MARKETS CORP., C.L. KING &  
23 ASSOCIATES, INC., CABRERA CAPITAL  
MARKETS, LLC, CASTLEOAK SECURITIES,  
24 L.P., COWEN AND COMPANY, LLC., E\*TRADE  
SECURITIES, LLC, ITAU BBA USA  
25 SECURITIES, INC., LAZARD CAPITAL  
MARKETS LLC, LEBENTHAL & CO., LLC,  
26 LOOP CAPITAL MARKETS LLC, M.R. BEAL &  
COMPANY, MACQUARIE CAPITAL (USA)  
27 INC., MURIEL SIEBERT & CO., INC.,  
OPPENHEIMER & CO. INC., PACIFIC CREST  
28 SECURITIES LLC, PIPER JAFFRAY & CO.,

CASE NO. 12-CV-3200 (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 RAYMOND JAMES & ASSOCIATES, INC.,  
2 SAMUEL A. RAMIREZ & COMPANY, INC.,  
3 STIFEL, NICOLAUS & COMPANY,  
4 INCORPORATED, THE WILLIAMS CAPITAL  
5 GROUP, L.P., and WILLIAM BLAIR &  
6 COMPANY, L.L.C.,

7 Defendants.

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

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

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

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

17 *Shierrv v. Facebook, Inc., et al.*, Case No. 12-cv-3200-MMC, San Mateo County  
18 Superior Court, No. CIV-514172;

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

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

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

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

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

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

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

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

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

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

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

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

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

23           NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

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

27           All reply briefs in support of the motions to remand the Removed Actions or the motions to  
28 stay the Removed Actions should be served on the parties and filed with the Court no later than July

1 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

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

5  
6  
7 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 and Goldman, Sachs & Co., for themselves  
and on behalf of the underwriter defendants*

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

20 Dated: July 6, 2012

  
HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE