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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 KAREN CUKER and BRIAN GRALNICK,
14 Individually and On Behalf of All Others Similarly
Situated,

15 Plaintiffs,

16 v.

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

CASE NO. 12-CV-3201 (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

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

Defendants.

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

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

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

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

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

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

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

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

28 WHEREAS, prior to the removal to the United States District Court for the Northern District
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-

¹ 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 lead counsel for the Removed Actions were appointed by Order of the Honorable Marie S. Weiner,
2 Complex Civil Litigation Judge of the Superior Court of the State of California for the County of
3 San Mateo;

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

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

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

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

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

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

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

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

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

26 NOW THEREFORE THE PARTIES STIPULATE AND AGREE that:

27 All briefing in response to either the motions to remand the Removed Actions or the Motions
28 to Stay the Removed Actions should be served on the parties and filed with the Court no later than

1 July 10, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief;

2 All reply briefs in support of the motions to remand the Removed Actions or the motions to
3 stay the Removed Actions should be served on the parties and filed with the Court no later than July
4 18, 2012; plaintiffs shall file a single brief and defendants shall collectively file a single brief; and

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

8 Dated July 3, 2012

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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