

1 James F. Basile (SBN 228965)
james.basile@kirkland.com
2 Elizabeth L. Deeley (SBN 230798)
elizabeth.deeley@kirkland.com
3 KIRKLAND & ELLIS LLP
555 California Street
4 San Francisco, California 94104
Telephone: (415) 439-1400
5 Facsimile: (415) 439-1500

6 Attorneys for Defendants
FACEBOOK, INC.; MARK ZUCKERBERG; DONALD
7 E. GRAHAM; DAVID A. EBERSMAN; JAMES W.
BREYER; DAVID M. SPILLANE; PETER A. THIEL;
8 MARC L. ANDREESSEN; REED HASTINGS; and
ERSKINE B. BOWLES
9

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

13 MICHAEL LIEBER, individually, and on behalf of
other members of the general public similarly
14 situated,

15 Plaintiff,

16 v.

17 FACEBOOK, INC.; MARK ZUCKERBURG (*sic*);
DONALD E. GRAHAM; DAVID A. EBERSMAN;
18 JAMES W. BREYER; DAVID M. SPILLANE;
PETER A. THIEL; MARC L. ANDREESSEN;
19 REED HASTINGS; ERSKINE B. BOWLES;
MORGAN STANLEY & CO. LLC; J.P. MORGAN
20 SECURITIES LLC; GOLDMAN, SACHS & CO;
MERRILL LYNCH; E*TRADE SECURITIES
21 LLC; OPPENHEIMER & CO., INC.; BARCLAYS
CAPITAL INC.; CITIGROUP GLOBAL
22 MARKETS INC.; CREDIT SUISSE SECURITIES
(USA) LLC; PIERCE, FENNER & SMITH
23 INCORPORATED; ALLEN & FACEBOOK (*sic*)
LLC; DEUTSCHE BANK SECURITIES INC.;
24 RBC CAPITAL MARKETS, LLC; MURIEL
SIEBERT & CO., INC.; CABRERA CAPITAL
25 MARKETS, LLC; BMO CAPITAL MARKETS
CORP.; CASTLEOAK SECURITIES, L.P.;
26 LAZARD CAPITAL MARKETS LLC; PACIFIC
CREST SECURITIES LLC; LOOP CAPITAL
27 MARKETS LLC; ITAU BBA USA SECURITIES,
INC.; WILLIAM BLAIR & FACEBOOK (*sic*),
28 L.L.C.; BLAYLOCK ROBERT VAN LLC;

CASE NO. 12-CV-3202 (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 LEBENTHAL & CO. LLC; M.R. BEAL &
2 FACEBOOK (*sic*); MACQUARIE CAPITAL
3 (USA) INC.; PIPER JAFFRAY & CO.; COWEN
4 AND FACEBOOK (*sic*), LLC; RAYMOND
5 JAMES & ASSOCIATES, INC.;
6 STIFEL, NICOLAUS & FACEBOOK (*sic*),
7 INCORPORATED; C.L. KING & ASSOCIATES,
8 INC.; SAMUEL A. RAMIREZ & FACEBOOK
9 (*sic*), INC.; COWEN & FACEBOOK (*sic*), LLC;
10 THE WILLIAMS CAPITAL GROUP, L.P.; and
11 Does 1 through 100, inclusive,

12 Defendants.

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

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

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

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

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

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

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

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

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

KIRKLAND & ELLIS LLP

/s/ James F. Basile

JAMES F. BASILE

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10 James F. Basile
Elizabeth L. Deeley
555 California Street, 27th Floor
San Francisco, CA 94104
Telephone: (415) 439-1471
Facsimile: (415) 439-1371

11
12
13
14 **KIRKLAND & ELLIS LLP**

15 Andrew B. Clubok
16 Brant W. Bishop
601 Lexington Ave.
17 New York, NY 10022
Telephone: (212) 446-4800
18 Facsimile: (212) 446-4900

19 and

20 **WILLKIE FARR & GALLAGHER LLP**

21 Richard D. Bernstein
22 Tariq Mundiya
Todd G. Cosenza
787 Seventh Avenue
23 New York, N.Y. 10019-6099, U.S.A.
Telephone: (212) 728-8000
24 Facsimile: (212) 728-8111

25 *Attorneys for Defendants Facebook, Inc., Mark*
26 *Zuckerberg, David A. Ebersman, David M.*
27 *Spillane, Marc L. Andreessen, Erskine B.*
28 *Bowles, James W. Breyer, Donald E. Graham,*
Reed Hastings, Peter A. Thiel

1 Dated July 3, 2012

BARRACK, RODOS & BACINE

2
3 */s/ Samuel M. Ward*

4 _____
5 SAMUEL M. WARD

6 STEPHEN R. BASSER
7 SAMUEL M. WARD
8 One America Plaza
9 600 West Broadway, Suite 900
10 San Diego, CA 92101
11 Phone: (619) 230-0800
12 Fax: (619) 230-1874
13 Email: sbasser@barrack.com
14 sward@barrack.com

15 and

16 **BARRACK RODOS & BACINE**

17 DANIEL E. BACINE
18 MARK R. ROSEN
19 BETH T. SELTZER
20 3300 Two Commerce Square
21 2001 Market Street
22 Philadelphia, PA 19103
23 Phone: (215) 963-0600
24 Fax: (215) 963-0838
25 Email: dbacine@barrack.com
26 mrosen@barrack.com
27 bseltzer@barrack.com

28 **GLANCY BINKOW & GOLDBERG LLP**

Lionel Z. Glancy
Michael Goldberg
Robert V. Prongay
Casey E. Sadler
1925 Century Park East, Suite 2100
Los Angeles, CA 90067
Tel: (310) 201-9150
Fax: (310) 201-9160
Email: info@glancylaw.com

*Co- Lead Counsel in the San Mateo County Supreme
Court Actions and Counsel for Plaintiffs Darryl Lazar,
Vernon R. DeMois, Jr., Edward J. Shierry, Karen
Cuker, Brian Gralnick and Harvey Lapin*

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STRAUSS TROY CO., LPA

Richard S. Wayne
Joseph J. Braun
The Federal Reserve Building
150 East Fourth Street
Cincinnati, Ohio 45202-4018
Tel: (513) 621-2120
Fax: (513) 629-9426

Counsel for Plaintiff Vernon R. DeMois, Jr.,

AHDOOT & WOLFSON, P.C.

Robert Ahdoot
Tina Wolfson
Theodore Maya
Bradley King
10850 Wilshire Boulevard, Suite 370
Los Angeles, CA 90024
Tel: 310-474-9111
Fax: 310-474-8585

Counsel for Plaintiff Jennifer Stokes

INITIATIVE LEGAL GROUP APC

Jordan L. Lurie
Raul Perez
Andrew Sokolowski
Sue Kim
1800 Century Park East, 2nd Floor
Los Angeles, California 90067
Telephone: (310) 556 - 5637
Facsimile: (310) 861 -9051

and

Jack Zwick
100 Church Street, Suite 850
New York, N.Y. 10007
Telephone: (212) 385 - 1900
Facsimile: (212) 385 - 1911

Counsel for Plaintiff Michael Lieber

1 Dated July 3, 2012

DAVIS POLK & WARDWELL LLP

/s/ Neal A. Potischman

NEAL A. POTISCHMAN

Neal A. Potischman
Samantha H. Knox
1600 El Camino Real
Menlo Park, CA 94025
Telephone: (650) 752-2000
Facsimile: (650) 752-2111

DAVIS POLK & WARDWELL LLP

James P. Rouhandeh
Charles S. Duggan
450 Lexington Avenue
New York, New York 10017
Telephone: (212) 450-4000
Facsimile: (212) 701-5800

*Attorneys for Defendants Morgan Stanley &
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