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8 Counsel for Plaintiff Hal Hubuschman.

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

11 HAL HUBUSCHMAN, Derivatively on )  
 Behalf of FACEBOOK, INC., )  
 12 )  
 Plaintiff, )

13 v. )

14 MARK ZUCKERBERG, DAVID A. )  
 15 EBERSMAN, SHERYL K. SANDBERG, )  
 DAVID M. SPILLANE, PETER A. THIEL, )  
 16 JAMES W. BREYER, MARC L. )  
 ANDREESSEN, DONALD E. GRAHAM, )  
 17 REED HASTINGS, ERSKINE B. )  
 BOWLES, and DOES 1-25, Inclusive, )

18 Defendants, )

19 -and- )

20 FACEBOOK, INC., a Delaware corporation, )

21 Nominal Defendant. )

Case No. 3:12-cv-03366-MMC

22 ) **STIPULATION AND ~~PROPOSED~~ ORDER**  
 23 ) **EXTENDING BRIEFING SCHEDULES ON**  
 24 ) **MOTIONS FOR REMAND AND MOTIONS**  
 25 ) **FOR STAY; CONTINUING HEARING**

Judge: Honorable Maxine M. Chesney  
 Date: September 7, 2012  
 Time: 9:00 a.m.  
 Location: San Francisco Courthouse  
 Courtroom 7, 19th Floor  
 450 Golden Gate Avenue  
 San Francisco, CA 94102

24 STIPULATION AND [PROPOSED] ORDER  
 25 EXTENDING BRIEFING SCHEDULES ON  
 MOTIONS FOR REMAND AND MOTIONS  
 FOR STAY

Case No. 3:12-cv-03366-MMC

1 WHEREAS the *Hubuschman* Action<sup>1</sup> was originally filed in the Superior Court of  
2 California, San Mateo County ("State Court") on May 30, 2012; and the *Cole* Action<sup>2</sup> was  
3 originally filed in the State Court on May 31, 2012 (collectively, "Derivative Actions");

4 WHEREAS on June 28, 2012, Defendants<sup>3</sup> removed the Derivative Actions to this Court;

5 WHEREAS on July 13, 2012, Defendants filed Motions for Stay of Proceedings Pending  
6 Decision on Transfer by the Judicial Panel on Multidistrict Litigation in the Derivative Actions  
7 ("Stay Motions");

8 WHEREAS plaintiffs in the Derivative Actions ("Plaintiffs") informed Defendants of  
9 their intent to file motions to remand the Derivative Actions to State Court ("Remand Motions");

10 WHEREAS on July 26, 2012, the parties to the Derivative Actions filed a Stipulation  
11 Regarding Hearing Dates ("Stipulation"), agreeing to submit briefing schedules for the Stay  
12 Motions and the Remand Motions to the Court and agreeing that Plaintiffs' obligation to file  
13 oppositions to the Stay Motions was held in abeyance until the parties submit the agreed briefing  
14 schedule;

15 WHEREAS on July 27, 2012, the Court entered an Order consistent with the Stipulation;

16 WHEREAS on August 1, 2012, Plaintiffs filed the Remand Motions, and noticed the  
17 Remand Motions for a September 7, 2012 hearing date (*Hubuschman* Action, ECF No. 27; *Cole*  
18 Action, ECF No. 25);

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20 <sup>1</sup> "*Hubuschman* Action" refers to the action captioned *Hubuschman v. Zuckerberg*, Case No. 12-  
21 cv-03366-MMC.

22 <sup>2</sup> "*Cole* Action" refers to the action captioned *Cole v. Zuckerberg*, Case No. 12-cv-03367-MMC.

23 <sup>3</sup> "Defendants" refers to nominal defendant Facebook, Inc., Mark Zuckerberg, David A.  
24 Ebersman, Sheryl K. Sandberg, David M. Spillane, Peter A. Thiel, James W. Breyer, Marc L.  
25 Andreessen, Donald E. Graham, Reed Hastings, and Erskine B. Bowles.

1 WHEREAS also on August 1, 2012, Defendants re-noticed the Stay Motions for a  
2 September 7, 2012 hearing date (*Hubuschman* Action, ECF No. 25; *Cole* Action, ECF No. 24);

3 WHEREAS the parties to the Derivative Actions have agreed to the following revised  
4 briefing schedule on the Stay Motions:

- 5 (a) Plaintiffs will file their oppositions to the Stay Motions on August 21,  
6 2012; and  
7 (b) Defendants will file their reply briefs in support of the Stay Motions on  
8 August 31, 2012.

9 WHEREAS the parties to the Derivative Actions have agreed to the following briefing  
10 schedule on the Remand Motions:

- 11 (a) Defendants will file their oppositions to the Remand Motions on August  
12 21, 2012; and  
13 (b) Plaintiffs will file their reply briefs in support of the Remand Motions on  
14 August 31, 2012.

15 NOW, THEREFORE, pursuant to Local Rule 6-2(a), it is hereby stipulated and agreed by  
16 and between the undersigned counsel for Plaintiffs and counsel for Defendants as follows:

- 17 1. Plaintiffs will file their oppositions to the Stay Motions on August 21, 2012; and  
18 Defendants will file their reply briefs in support of the Stay Motions on August  
19 31, 2012.  
20 2. Defendants will file their oppositions to the Remand Motions on August 21, 2012;  
21 and Plaintiffs will file their reply briefs in support of the Remand Motions on  
22 August 31, 2012.

23 Dated: August 3, 2012

Respectfully submitted,

24 ROBBINS UMEDA LLP  
25 BRIAN J. ROBBINS  
FELIPE J. ARROYO  
SHANE P. SANDERS  
GINA STASSI

/s/ Shane P. Sanders

SHANE P. SANDERS

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*Counsel for Plaintiffs Hal Hubuschman and  
William Cole*

Dated: August 3, 2012

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*Counsel for Mark Zuckerberg, David A.  
Ebersman, Sheryl K. Sandberg, David M.  
Spillane, Peter A. Thiel, James W. Breyer,*

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*Marc L. Andreessen, Donald E. Graham, Reed Hastings, Erskine B. Bowles and Facebook, Inc.*

*I, Shane P. Sanders, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER EXTENDING BRIEFING SCHEDULE ON MOTIONS FOR REMAND AND MOTIONS FOR STAY. In compliance with General Order 45, X.B., I hereby attest that James F. Basile has concurred in this filing.*

**\* \* \* ORDER \* \* \***

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

IT IS FURTHER ORDERED that the hearing on the motions is CONTINUED to September 14, 2012.

August 6, 2012  
\_\_\_\_\_  
DATED

  
\_\_\_\_\_  
HONORABLE MAXINE M. CHESNEY  
U.S. DISTRICT JUDGE