

1 Laurence D. King (SBN # 206423)  
 Linda M. Fong (SBN 124232)  
 2 KAPLAN FOX & KILSHEIMER LLP  
 350 Sansome Street, Suite 400  
 3 San Francisco, CA 94104  
 Telephone: 415-772-4700  
 4 Facsimile: 415-772-4707  
 lking@kaplanfox.com  
 5 lfong@kaplanfox.com

6 [Additional Counsel on Signature Page]

7 Attorneys for Plaintiff Patricia Greenberg

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

12 Patricia Greenberg,

Civil Case No. 3:12-cv-04975-MEJ

CLASS ACTION

14 Plaintiff,

**STIPULATION AND [PROPOSED]  
 ORDER**

15 v.

16 Expedia, Inc., et al.,

17 Defendants.

19 WHEREAS, Plaintiff filed the Complaint in this litigation on September 24, 2012;  
 20 WHEREAS, all of the Defendants have agreed to waive service of the complaint;  
 21 WHEREAS, a number of substantially similar complaints have been filed nationwide;  
 22 WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed  
 23 before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate  
 24 all of the actions in one court;

25 WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,  
 26 2012, and the parties expect that the JPML will issue a decision on the motion within a few  
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STIPULATION AND [PROPOSED] ORDER  
 CIVIL CASE NO. 3:12-CV-04975-MEJ

1 weeks after the hearing;<sup>1</sup>

2 WHEREAS, Plaintiff and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com LP,  
3 Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com B.V., Booking.com  
4 (USA), Inc., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts  
5 Worldwide, Inc., Trump International Hotels Management, LLC, Kimpton Hotel & Restaurant  
6 Group, LLC, InterContinental Hotels Group Resources, Inc., Wyndham Worldwide Corporation,  
7 Wyndham Hotel Group, LLC and Travelodge Hotels, Inc. (collectively “Defendants”) expect  
8 that all of the actions will be coordinated and/or consolidated before one court; and

9 WHEREAS, Plaintiff and Defendants wish to preserve the parties’ and the court’s  
10 resources and efficiently manage the litigation so as not to cause prejudice;

11 NOW THEREFORE, the parties agree as follows:

12 1. Defendants will not be required to answer or otherwise plead in response to the  
13 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §  
14 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be  
15 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file  
16 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the  
17 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer  
18 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this  
19 action. No discovery shall be served in the above-captioned matter while this stipulation is in  
20 effect;

21 2. In the event that Defendants voluntarily file or are ordered to file a responsive pleading in  
22 any other related action prior to the JPML’s decision, Defendants agree that this stipulation will  
23 become void and in that event, all of the parties agree to negotiate in good faith regarding a  
24 responsive pleading date.

25 3. If this Court is the transferee court, Defendants agree that they will engage in a

26 <sup>1</sup> John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242  
27 n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the  
28 Chair has finalized and approved each written opinion pertaining to that session”).

1 conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead  
2 counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407  
3 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P.  
4 26(f) with Plaintiffs within 14 days of the denial of the motion.

5 **ATTESTATION**

6 I hereby attest that I have on file all holographic signatures corresponding to any  
7 signatures indicated by a conformed signature (/s/) within this e-filed document.

8  
9 /s/Laurence D. King  
Laurence D. King

10 Dated: October 23, 2012

11 FOR PLAINTIFF:

FOR DEFENDANTS:

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13 By: /s/ Laurence D. King  
14 Laurence D. King (SBN 206423)  
15 Linda M. Fong (SBN 124232)  
16 KAPLAN FOX & KILSHEIMER LLP  
17 350 Sansome Street, Suite 400  
18 San Francisco, CA 94104  
19 Telephone: (415) 772-4700  
20 Facsimile: (415) 772-4707  
21 [lking@kaplanfox.com](mailto:lking@kaplanfox.com)  
22 [lfong@kaplanfox.com](mailto:lfong@kaplanfox.com)

By: /s/ Emily Johnson Henn  
Emily Johnson Henn (SBN 269482)  
COVINGTON & BURLING LLP  
333 Twin Dolphin Dr., Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800  
[ehenn@cov.com](mailto:ehenn@cov.com)

Attorneys for Defendants  
*Expedia, Inc. and Hotels.com LP*

23 Justin B. Farar (SBN 211556)  
24 KAPLAN FOX & KILSHEIMER LLP  
25 11111 Santa Monica Blvd, Suite 620  
26 Los Angeles, CA 90025  
27 Telephone: (310) 575-8670  
28 Facsimile: (310) 575-8697  
[jfarar@kaplanfox.com](mailto:jfarar@kaplanfox.com)

By: /s/ George S. Cary  
George S. Cary (SBN 73858)  
Steven J. Kaiser  
CLEARY GOTTLIEB STEEN &  
HAMILTON LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006  
New York, NY 10017  
Telephone: (212) 974-1554  
Facsimile: (212) 974-1999  
[gcary@cgsh.com](mailto:gcary@cgsh.com)  
[skaiser@cgsh.com](mailto:skaiser@cgsh.com)

Attorneys for Defendants  
*Travelocity.com LP and Sabre Holdings Corporation*

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By: /s/ Kevin J. Arquit  
Kevin J. Arquit  
SIMPSON THACHER & BARTLETT LLP  
425 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 455-2000  
Facsimile: (212) 455-2502  
[karquit@stblaw.com](mailto:karquit@stblaw.com)

Attorneys for Defendants  
*Priceline.com Incorporated, Booking.com  
B.V. and Booking.com (USA), Inc.*

By: /s/ Christopher S. Yates  
Christopher S. Yates (SBN 161273)  
Daniel M. Wall  
Brendan A. McShane  
Jason L. Daniels  
LATHAM & WATKINS LLP  
505 Montgomery Street, Suite 2000  
San Francisco, CA 94111  
Telephone: (415) 391-0600  
Facsimile: (415) 395-8095  
[chris.yates@lw.com](mailto:chris.yates@lw.com)  
[dan.wall@lw.com](mailto:dan.wall@lw.com)  
[brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)  
[jason.daniels@lw.com](mailto:jason.daniels@lw.com)

Attorneys for Defendant  
*Orbitz Worldwide, Inc.*

By: /s/ Steven A. Newborn  
Steven A. Newborn  
Carrie M. Anderson  
Daniel E. Antalics (SBN 276488)  
WEIL, GOTSHAL & MANGES LLP  
1300 Eye Street, N.W., Suite 900  
Washington, D.C. 20005  
Telephone: (202) 682-7000  
Facsimile: (202) 857-0940  
[daniel.antalics@weil.com](mailto:daniel.antalics@weil.com)

*Of Counsel:*  
James C. Egan, Jr.

Attorneys for Defendant  
*Hilton Worldwide, Inc.*

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By: /s/ Christopher J. Kelly  
Christopher J. Kelly (SBN 276312)  
MAYER BROWN LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, CA 94306-2112  
Telephone: (650) 331-2000  
Facsimile: (650) 331-2061  
[cjkelly@mayerbrown.com](mailto:cjkelly@mayerbrown.com)

Robert E. Bloch  
Richard Ben-Veniste  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 263-3203  
Facsimile: (202) 263-5203  
[rbloch@mayerbrown.com](mailto:rbloch@mayerbrown.com)  
[rben-veniste@mayerbrown.com](mailto:rben-veniste@mayerbrown.com)  
  
Attorneys for Defendant  
*Starwood Hotels & Resorts Worldwide, Inc.*

By: /s/ Francis J. Burke, Jr.  
Francis J. Burke, Jr. (SBN 75970)  
Seyfarth Shaw LLP  
One Century Plaza  
2029 Century Park East, Suite 3500  
Los Angeles, CA 90067-3021  
Telephone: (310) 201-5214  
Facsimile: (310) 282-6993  
[fburke@seyfarth.com](mailto:fburke@seyfarth.com)

Attorneys for Defendant  
*Trump International Hotels Management, LLC*

By: /s/ Marie L. Fiala  
Marie L. Fiala (SBN 79676)  
Ryan M. Sandrock (SBN 251781)  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400  
[mfiala@sidley.com](mailto:mfiala@sidley.com)  
[rsandrock@sidley.com](mailto:rsandrock@sidley.com)

Attorneys for Defendant  
*Kimpton Hotel & Restaurant Group, LLC*

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By: /s/ Timothy T. Scott  
Timothy T. Scott (SBN 126971)  
Leo Spooner III (SBN 241541)  
KING & SPALDING LLP  
333 Twin Dolphin Drive, Suite 400  
Redwood Shores, CA 94065  
Telephone: (650) 590-0700  
Facsimile: (650) 590-1900  
[tscott@kslaw.com](mailto:tscott@kslaw.com)  
[lspooner@kslaw.com](mailto:lspooner@kslaw.com)

Jeffrey S. Cashdan  
Christine A. Hopkinson  
Sarah E. Statz  
KING & SPALDING LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309  
Telephone: (404) 572-4600  
Facsimile: (404) 572-5100  
[jcashdan@kslaw.com](mailto:jcashdan@kslaw.com)  
[chopkinson@kslaw.com](mailto:chopkinson@kslaw.com)  
[sstatz@kslaw.com](mailto:sstatz@kslaw.com)

Attorneys for Defendant  
*InterContinental Hotels Group Resources,  
Inc.*

By: /s/ Eugene F. Assaf  
Eugene F. Assaf, P.C.  
Edwin John U  
Ian R. Conner  
KIRKLAND & ELLIS LLP  
655 Fifteenth Street, N.W  
Washington, D.C. 20005-5793  
Telephone: 202-879-5000  
Facsimile: 202-879-5200  
[eugene.assaf@kirkland.com](mailto:eugene.assaf@kirkland.com)  
[edwin.u@kirkland.com](mailto:edwin.u@kirkland.com)  
[ian.conner@kirkland.com](mailto:ian.conner@kirkland.com)

Attorneys for Defendants  
*Wyndham Worldwide Corporation,  
Wyndham Hotel Group, LLC and  
Travelodge Hotels, Inc.*

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

Dated: October 24, 2012



THE HONORABLE MARIA-ELENA JAMES  
Chief United States Magistrate Judge

