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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JAMES STEWART, JOEL MILNE, AND JOSEPH STRAZZULLO, On Behalf of Themselves and All Others Similarly Situated,

Plaintiffs

vs.

GOGO INC.,

Defendant.

Case No.: 3:12-cv-5164-EMC

STIPULATION AND ~~[PROPOSED]~~ ORDER TO EXTEND DEADLINE FOR FILING SECOND AMENDED COMPLAINT AND SUBSEQUENTLY STAY FURTHER PROCEEDINGS PENDING MEDIATION AND RESETTING FURTHER CMC

Judge: Hon. Edward M. Chen

WHEREAS, on July 30, 2013, the Court entered an Order denying Plaintiffs' Motion For Leave To File A Motion For Reconsideration and granting Plaintiffs 20 days to file a Second Amended Complaint;

WHEREAS, under the terms of the Court's Order, Plaintiffs' Second Amended Complaint is currently due to be filed on or before August 19, 2013;

WHEREAS, the filing of the Second Amended Complaint is to be done Under Seal, as it involves citations to and exhibits of material that Defendant Gogo Inc. has designated as "Highly Confidential" under the terms of the Stipulated Protective Order previously entered by the Court;

WHEREAS, as a result of the need to file the Second Amended Complaint under seal, Plaintiffs' counsel will be unable to file the pleading electronically through the Court's Electronic Case Filing system but, instead, will have to file it in paper form through the Office of the Clerk of the Court following the requirements of Civil Local Rule 79-5;

WHEREAS, lead counsel for Plaintiffs, Roy A. Katriel, is currently out of the country and will not return back to the United States until the evening of August 21, 2013;

WHEREAS, lead counsel for Plaintiffs, Roy A. Katriel, has also been informed that his co-counsel, Azra Mehdi, who is officed in San Francisco and hence serving as local counsel for Plaintiffs, will also be out of town on August 19, 2013, and therefore will be unable to assist in the filing of the Second Amended Complaint on that date;

WHEREAS, on January 18, 2013 (Dkt. No. 24), the Court Ordered the parties to attend private mediation within 120 days following the Court's ruling on Defendant's then-pending motion to dismiss the First Amended Complaint;

WHEREAS, the parties have met and conferred and have agreed to mediate before Retired Magistrate Judge Edward Infante, and are coordinating available dates in October 2013 for a mediation session;

WHEREAS, Plaintiffs would still like to file their Second Amended Complaint before attending the mediation, and both parties have an interest in conserving judicial resources and the parties' expenses pending the mediation;

The parties to the above-entitled action, by and through their undersigned counsel, therefore hereby Stipulate and agree, subject to Court approval, that:

1. Plaintiffs' deadline to file their Second Amended Complaint shall be extended by ten days up to and including August 30, 2013.
2. Following the filing of Plaintiffs' Second Amended Complaint, all further proceedings in this action shall and will be stayed pending the mediation.
3. In the event that mediation shall not resolve this action, Defendant shall respond to the Second Amended Complaint within 30 days following the conclusion of the mediation session.
4. Within 10 days following the conclusion of the mediation session, the parties shall file a Joint Status Report to inform the Court as to the outcome of the mediation session.

Dated: August 16, 2013

/s/ Roy A. Katriel

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Dated: August 16, 2013

/s/ Mikael A. Abye

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Attorneys for Defendant Gogo Inc.

***Attestation**: The filer of this document attests that the concurrence of the signatories thereto has been obtained.*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/19, 2013

The further cmc is reset from 9/5/13 to 1/30/14 at 10:30 a.m. An updated joint CMC Statement shall be filed by 1/23/14.

United States District Judge