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 12 Attorneys for Defendant  
 PAXFIRE, INC.

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 BETSY FEIST,

18 Plaintiff,

19 vs.

20  
 21 RCN CORPORATION and  
 PAXFIRE, INC.,

22 Defendants.

Misc. Case No. CV12-80121 SI (NC)

Underlying action pending in the United States  
 District Court for the Southern District of  
 New York, Case No. 11 CV 5436 JGK

Related cases:

3:12-cv-80119 SI (NC)

3:12-cv-80135 SI (NC)

3:12-cv-80140 SI (NC)

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE CONTINUING HEARING  
 DATE ON EFF MOTION FOR DE NOVO  
 DETERMINATION**

Date: October 23, 2012

Time: 10:00 a.m.

Hon. Judge Susan Illston

Courtroom 10, 19th Floor

1 Non-Parties Electronic Frontier Foundation and Peter Eckersley (“EFF”), together with  
2 Defendant Paxfire, Inc. (“Defendant” or "Paxfire"), by and through their undersigned counsel,  
3 hereby stipulate as follows:

4 WHEREAS on August 27, 2012, EFF noticed a Motion for De Novo Determination of  
5 Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to Quash (“Motion”).  
6 D.I. 36;

7 WHEREAS Defendant Paxfire’s Opposition to EFF’s Motion was electronically filed  
8 (Dkt. No. 39) on September 12, 2012;

9 WHEREAS EFF’s Reply to the Motion was electronically filed on September 21, 2012  
10 (Dkt. No. 42);

11 WHEREAS the hearing on EFF ’s Motion was reset by Clerk’s Notice from October 19,  
12 2012 to October 23, 2012 (Dkt. No. 46 in the CV12-80119 action);

13 WHEREAS counsel for Paxfire is not available to attend the hearing on October 23, 2012;

14 WHEREAS the Parties stipulate to moving the hearing on EFF’s Motion for De Novo  
15 Determination of Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to  
16 Quash from October 23, 2012 to November 6, 2012 at 9:00 AM.

17 WHEREAS this Stipulation does not affect any case management deadlines.

18  
19 SO STIPULATED AND AGREED

20  
21 Dated: October 12, 2012

BERGESON, LLP

22  
23 \_\_\_\_\_  
/s/  
Jaideep Venkatesan

24 Attorneys for Defendant  
25 PAXFIRE, INC.

26 In accordance with Civil Local Rule 5-1(i)(3), the above signatory attests that concurrence  
27 in the signing of this document has been obtained from the signatory below.

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Dated: October 12, 2012

SHEPPARD MULLIN RICHTER & HAMPTON,  
LLP

/s/ Tenaya M Rodewald  
Tenaya M Rodewald, Esq.  
James M. Chadwick, Esq.

Attorneys for Non-Parties  
ELECTRONIC FRONTIER FOUNDATION and  
PETER ECKERSLEY

**IT IS SO ORDERED.**

Dated: 10/16, 2012

