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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION
 14

15 SHECK KWAI CHO, Individually and on
 16 Behalf of All Others Similarly Situated,
 17 Plaintiff,
 18 v.
 19 PAYPAL HOLDINGS, INC., DANIEL H.
 SCHULMAN, JOHN D. RAINEY,
 20 PATRICK L.A. DUPUIS, EBAY INC.,
 JOHN J. DONAHOE, and ROBERT H.
 21 SWAN,
 22 Defendants.

Case No. 3:16-cv-07371-RS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING RELATED
 CASES AND CONTINUING DATE
 UPON WHICH RESPONSIVE
 PLEADING IS DUE**

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Shek Kwai Cho

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1 The parties to the above-referenced action stipulate, and the Court hereby orders, as
2 follows:

3 **CONSOLIDATION OF POTENTIAL RELATED CASES**

4 1. Pursuant to Fed. R. Civ. P. 42(a), all subsequent actions filed in, or transferred to,
5 this District which are related actions within the meaning of Civil L.R. 3-12 shall be consolidated
6 into this action for pretrial purposes. Except as provided in paragraph 5, this Order shall apply to
7 every such related action, absent order of the Court.

8 2. Upon becoming aware that a case that should be consolidated into this action is
9 filed in, or transferred to, this District, the plaintiff shall file a Notice of Related Cases pursuant to
10 Civil L.R. 3-12. If the Court determines that the case is related, the clerk shall:

- 11 (a) place a copy of this Order in the separate file for such action;
- 12 (b) serve on plaintiff's counsel in the new case a copy of this Order;
- 13 (c) direct that this Order be served upon defendants in the new case; and
- 14 (d) make the appropriate entry in the Master Docket.

15 3. A party that objects to such consolidation, or to any other provision of this Order,
16 must file an application for relief from this Order within thirty (30) days after the date on which a
17 copy of the Order is mailed to the party's counsel.

18 4. This Order is entered without prejudice to the rights of any party to apply for
19 severance of any claim or action, for good cause shown.

20 5. This Order shall not apply to any related shareholder derivative action that may be
21 brought purportedly on behalf of Defendants PayPal Holdings, Inc. or eBay, Inc., including the
22 action captioned *Silverman v. Schulman, et al.*, Case No. 5:17-cv-00162-HRL (N.D. Cal., filed on
23 Jan. 12, 2017). Although any such shareholder derivative action may be deemed related to this
24 action, it shall not be consolidated with this action.

25 **MASTER DOCKET AND CAPTION**

26 6. The docket in Civil Action No. 3:16-cv-07371 shall constitute the Master Docket
27 for this action.

28 7. Every pleading filed in the consolidated action shall bear the following caption:

STIPULATION AND [PROPOSED] ORDER
REGARDING RELATED CASES AND CONTINUING
DATE UPON WHICH RESPONSIVE PLEADING IS DUE

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 In re PAYPAL HOLDINGS, INC. SECURITIES) Master File No.
5 LITIGATION) 3:16-cv-07371
6)
7)
8 This Document Relates To:) CLASS ACTION
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8. The file in Civil Action No. 3:16-cv-07371 shall constitute a Master File for every action in the consolidated action. When the document being filed pertains to all actions, the phrase “All Actions” shall appear immediately after the phrase “This Documents Relates To.” When a pleading applies only to some, not all, of the actions, the document shall list, immediately after the phrase “This Documents Relates To:”, the docket number for each individual action to which the document applies, along with the last name of the first-listed plaintiff in said action.

PLEADINGS AND MOTIONS

9. Defendants acknowledge that they have been properly served with the summons and complaint in this action. Defendants are not required to respond to the instant complaint, or to any complaint in any action consolidated into this action, until the lead plaintiff and lead plaintiff’s counsel have been designated pursuant to 15 U.S.C. §78u 4(a)(3)(B), and have filed a Consolidated Complaint. The Consolidated Complaint shall supersede all complaints filed in any of the actions consolidated herein.

10. Lead plaintiff’s counsel shall have authority to speak for, and enter into agreements on behalf of, plaintiffs in all matters regarding pretrial procedures, discovery, and settlement negotiations. Defendants’ counsel may rely upon agreements made with lead plaintiff’s counsel and such agreements shall be binding on all plaintiffs.

1 11. Lead plaintiff shall file a Consolidated Complaint within forty-five (45) days after
2 the filing of the order designating the lead plaintiff, unless otherwise agreed upon by the parties.

3 12. Defendants' time to respond to the Consolidated Complaint shall be within forty-
4 five (45) days from the date on which all defendants are served with the Consolidated Complaint,
5 unless otherwise agreed upon by the parties. If defendants file any motions directed at the
6 Consolidated Complaint, the opposition shall be filed within forty-five (45) days from the date on
7 which lead plaintiff is served with such motions directed at the Consolidated Complaint, and any
8 reply briefs shall be filed within thirty (30) days from the date on which all defendants are served
9 with the opposition, unless otherwise agreed upon by the parties.

10 Dated: January 26, 2017

JAMES N. KRAMER
ALEXANDER K. TALARIDES
SUZETTE J. PRINGLE
Orrick, Herrington & Sutcliffe LLP

/s/ Alexander K. Talarides

ALEXANDER K. TALARIDES
Attorneys for Defendants

PayPal Holdings, Inc., Daniel H. Schulman, John D.
Rainey, and Patrick L.A. Dupuis

17 *I, Alexander K. Talarides, am the ECF user whose ID and password are being used to file*
18 *this Stipulation and [Proposed] Order Regarding Related Cases and Continuing Date Upon*
Which Responsive Pleading is Due. In compliance with General Order 45, X.B., I hereby attest
19 *that Jessica Valenzuela Santamaria has concurred in this filing.*

20 Dated: January 26, 2017

JOHN C. DWYER
JESSICA VALENZUELA SANTAMARIA
COOLEY LLP

/s/ Jessica Valenzuela Santamaria

JESSICA VALENZUELA SANTAMARIA
Attorney for Defendants

eBay Inc., John J. Donahoe, and Robert H. Swan

1 I, Alexander K. Talarides, am the ECF user whose ID and password are being used to file
2 this Stipulation and [Proposed] Order Regarding Related Cases and Continuing Date Upon
3 Which Responsive Pleading is Due. In compliance with General Order 45, X.B., I hereby attest
4 that J. Alexander Hood II has concurred in this filing.

4 Dated: January 26, 2017

JENNIFER PAFITI
JEREMY A. LIEBERMAN
J. ALEXANDER HOOD II
MARC GORRIE
PATRICK V. DAHLSTROM
POMERANTZ LLP

7 PERETZ BRONSTEIN
8 BRONSTEIN, GEWIRTZ & GROSSMAN, LLC

9
10 /s/ J. Alexander Hood II

J. ALEXANDER HOOD II
Attorneys for Individual and Representative Plaintiff
Shek Kwai Cho

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13 ***

14 ORDER

15 Based on the stipulation of the signed parties, and good cause appearing, IT IS HEREBY
16 ORDERED that the Stipulation is approved.

17 It is so ORDERED.

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20 DATED: 2/2/17



21 THE HONORABLE RICHARD SEEBORG
22 UNITED STATES DISTRICT JUDGE