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FACEBOOK, INC.

21 **UNITED STATES DISTRICT COURT**

22 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

23 MEHIER TAAMNEH, et al.,

24 Plaintiffs,

25 v.

26 TWITTER, INC., et al.,

27 Defendants.

Case No. 3:17-cv-04107-EMC

**STIPULATED REQUEST AND
 [PROPOSED] ORDER TO STAY
 PROCEEDINGS**

Judge: Hon. Edward M. Chen

1 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil Local Rules 6-1(b) and 6-2, Defendants
2 Twitter, Inc.; Google LLC; and Facebook, Inc., and Plaintiffs Mehier Taamneh, Lawrence
3 Taamneh, Dimana Taamneh, and Sara Taamneh (collectively, the “Parties”), by and through
4 their respective counsel of record, hereby stipulate as follows:

5 WHEREAS Plaintiffs filed the Complaint on July 20, 2017 (Dkt. No. 1), and filed
6 Waivers of Service as to each Defendant on September 19, 2017 (Dkt. Nos. 16, 17, 18);

7 WHEREAS the Parties previously agreed to stay this action for 60 days in light of
8 anticipated decisions in *Fields v. Twitter, Inc.*, 9th Cir. No. 16-17165, and several other cases
9 filed by Plaintiffs’ counsel against Defendants (Dkt. No. 23);

10 WHEREAS Defendants subsequently filed a motion to stay this action and extend
11 Defendants’ time to respond to the Complaint until 45 days after the mandate issues in *Fields*
12 (Dkt. Nos. 40, 45);

13 WHEREAS Plaintiffs initially opposed Defendants’ motion to stay (Dkt. No. 44) but are
14 now withdrawing their opposition;

15 WHEREAS the Parties disagree about the extent of the overlap between this case and
16 *Fields*, but agree there is sufficient overlap between the cases such that a stay will conserve the
17 Court’s and the Parties’ time and resources by obviating any supplemental filings that would
18 otherwise be needed to address the impact of the Ninth Circuit’s decision in *Fields*;

19 WHEREAS the Parties now agree that, in the interest of judicial economy, the
20 proceedings in this action should be stayed and Defendants’ time to respond to the Complaint
21 should be continued until 45 days after the appeal is resolved in *Fields*;

22 WHEREAS the Parties agree that, in the event the Ninth Circuit’s decision has not issued
23 by May 1, 2018, the Parties will file status reports stating their positions on whether the stay
24 should continue;

25 WHEREAS the Parties agree that this Court should remove the hearing and case
26 management conference currently set for December 14, 2017 from the calendar and should
27 reschedule the case management conference once the stay is lifted;

1 WHEREAS the entry into this stipulation by Defendants shall not waive or impair any
2 defenses, including jurisdictional or venue-related defenses, that may be available to Defendants
3 in this Action;

4 WHEREAS this joint request is being made in good faith, is not for the purpose of delay,
5 and will not prejudice any party;

6 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between the Parties,
7 through their respective counsel, that the proceedings in this case should be stayed and
8 Defendants' deadline to answer or otherwise respond to Plaintiffs' Complaint shall be extended
9 until 45 days after the Ninth Circuit issues the mandate in *Fields v. Twitter, Inc.*, 9th Cir. No. 16-
10 17165.

1 Dated: December 7, 2017

2 /s/ Keith Altman

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/s/ Lauren Gallo White

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Attorneys for Defendant
TWITTER, INC.

1 ATTORNEY ATTESTATION

2 I, Lauren Gallo White, am the ECF User whose ID and password are being used to file
3 this **STIPULATED REQUEST AND [PROPOSED] ORDER TO STAY PROCEEDINGS**.
4 In compliance with N.D. Cal. Civil L.R. 5-1(i)(3), I hereby attest that the concurrence in the
5 filing of the document has been obtained from each of the other signatories.

6 By: /s/ Lauren Gallo White
7 Lauren Gallo White

8
9
10 CERTIFICATE OF SERVICE

11 I hereby certify that on December 7, 2017, I electronically filed the above document with
12 the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all
13 registered counsel.

14 By: /s/ Lauren Gallo White
15 Lauren Gallo White

1 [PROPOSED] ORDER

2 Having considered the Stipulated Request to Stay Proceedings and all papers on file,
3 and good cause appearing therefore, IT IS HEREBY ORDERED that the Stipulated Request to
4 Stay Proceedings is GRANTED in its entirety. The Court orders as follows:

- 5 1. Defendants' deadline to answer or otherwise respond to Plaintiffs' Complaint shall
6 be extended until 45 days after the Ninth Circuit issues the mandate in *Fields v.*
7 *Twitter, Inc.*, 9th Cir. No. 16-17165.
- 8 2. The hearing and case management conference currently set for December 14 will be
9 taken off the calendar and a case management conference will be rescheduled for a
10 later date.
- 11 3. In the event the Ninth Circuit has not issued a decision by May 1, 2018, the Parties
12 will file status reports stating their positions on whether the stay should continue.

13
14 **IT IS SO ORDERED.** The CMC is reset from 12/14/17 to 3/1/18
15 at 9:30 a.m. An updated joint CMC statement
16 Dated: 12/8/17 shall be filed by 2/22/18.

17 Honorable Edward M. Chen
18 United States District Court
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