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9 *Attorneys for Plaintiff*  
 10 Rearden LLC and Rearden Mova LLC

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

15 REARDEN LLC, REARDEN MOVA LLC,  
 16 California limited liability companies,  
 17 Plaintiffs,  
 18 v.  
 19 CRYSTAL, INC., a California corporation,  
 20 SQUARE ENIX INC., a Washington Corporation,  
 21 Defendants.  
 22

Case No. 3:17-cv-04187-JST

**STIPULATION AND [PROPOSED]  
 ORDER GRANTING ADDITIONAL  
 TIME TO RESPOND TO  
 ADMINISTRATIVE MOTION TO  
 SEAL**

Date: February 28, 2019  
 Time: 2:00 p.m.  
 Judge: Hon. Jon S. Tigar  
 Ctrm: 9, 19<sup>th</sup> Floor

1 **STIPULATION**

2 The above-captioned parties through their undersigned attorneys of record hereby stipulate  
3 and agree as follows:

4 **Whereas**, on January 22, 2019, Rearden attorney Mark Carlson served and filed Rearden’s  
5 Administrative Motion to File Under Seal certain documents designated by defendants and non-  
6 parties Digital Domain 3.0 (“DD3”) and Microsoft as confidential pursuant to the Protective Order in  
7 the present case and portions of its opposition brief referencing such documents;

8 **Whereas**, Rearden served non-parties DD3 and Microsoft by email on January 23, 2019 with  
9 a copy of the Declaration of Mark Carlson in Support of Administrative Motion to File Under Seal in  
10 compliance with Local Rule 79-5(e);

11 **Whereas**, the service packages erroneously included confidential materials of both  
12 defendants and non-parties;

13 **Whereas**, Mr. Carlson learned of the error at 6:12 PM on January 29, 2019 by email from  
14 Scott Kolassa of DD3 (who represented that DD3 had properly suspended review of the service  
15 package upon discovery of the confidential materials), responded at 6:23 PM that Mr. Kolassa should  
16 delete the service package and promised to serve materials in conformance with Local Rule 79-5(e)  
17 promptly;

18 **Whereas**, at 8:17 AM on January 30 Mr. Carlson contacted Jennifer Yokoyama of Microsoft  
19 by email and informed her of the error, requested that copies of the service package be deleted, and  
20 promised to serve materials in conformance with Local Rule 79-5(e) promptly, Ms. Yokoyama  
21 replied that she had not received the service package, and shortly thereafter replied further that she  
22 had found it in her spam folder and deleted it; and

23 **Whereas**, although both non-parties have confirmed that they did not review any confidential  
24 information erroneously included in the administrative motion service packages, Mr. Carlson  
25 assumes sole and exclusive responsibility for the above unintentional violation of the Protective  
26

1 Order with respect to the non-party service packages, and if someone is to be held accountable, Mr.  
2 Carlson requests that it be him alone;

3 **Whereas**, neither the Defendants nor third parties DD3 and Microsoft waive their rights to  
4 seek further redress for Plaintiffs' actions by joining in this stipulation and all rights are reserved;

5 The parties stipulate and agree that Rearden shall re-serve Microsoft and DD3 with the  
6 Declaration of Mark Carlson in Support of Administrative Motion to File Under Seal, as well as a  
7 redacted version of Plaintiff's Opposition, and only provide those excerpts and documents that  
8 pertain to them and that Microsoft and DD3 may have four business days from the date of the order  
9 below to submit a responsive declaration pursuant to Local Rule 79-5(e)(1). The parties further  
10 stipulate and agree that Defendants may have an additional four business days from this order to file  
11 any supplemental papers necessary in response to Plaintiffs' amended filings.

12 **So stipulated:**

13 RIMON, P.C.

14 Dated: January 31, 2019

15 By: /s/ *Karineh Khachatourian*  
16 Karineh Khachatourian  
17 Nikolaus A. Woloszczuk

18 *Attorneys for Defendants,*  
19 SQUARE ENIX, INC. and  
20 CRYSTAL DYNAMICS, INC.

21 HAGENS BERMAN SOBOL SHAPIRO

22 Dated: January 31, 2019

23 By: /s/ *Mark Carlson*  
24 Mark S. Carlson (*Pro Hac Vice*)

25 Steve Berman  
26 Rio S. Pierce

27 *Attorneys for Plaintiffs,*  
28 REARDEN LLC and  
REARDEN MOVA LLC

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

DATED: January 31, 2019

  
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The Honorable Jon S. Tigar

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1 **CIVIL LOCAL RULE 5-1 ATTESTATION**

2 I, Mark Carlson, am the ECF user whose credentials were utilized in the electronic filing of this  
3 document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that Karineh Khachatourian  
4 concurred in the filing of this document.

5  
6 /s/ Mark Carlson