

1 STEVE W. BERMAN (*pro hac vice* pending)  
 steve@hbsslw.com  
 2 MARK S. CARLSON (*pro hac vice* pending)  
 markc@hbsslw.com  
 3 HAGENS BERMAN SOBOL SHAPIRO LLP  
 1918 Eighth Avenue, Suite 3300  
 4 Seattle, Washington 98101  
 Telephone: (206) 623-7292  
 5 Facsimile: (206) 623-0594

KELLY M. KLAUS (SBN 161091)  
 kelly.klaus@mto.com  
 ROHIT K. SINGLA (SBN 213057)  
 rohit.singla@mto.com  
 ELIA HERRERA (SBN 293278)  
 elia.herrera@mto.com  
 MUNGER, TOLLES & OLSON LLP  
 560 Mission Street, 27<sup>th</sup> Floor  
 San Francisco, California 94105-2907  
 Telephone: (415) 512-4000  
 Facsimile: (415) 512-4077

7 RIO S. PIERCE (SBN 298297)  
 riop@hbsslw.com  
 8 HAGENS BERMAN SOBOL SHAPIRO LLP  
 715 Hearst Avenue, Suite 202  
 9 Berkeley, California 94710  
 Telephone: (510) 725-3000  
 10 Facsimile: (510) 725-3001

GLENN D. POMERANTZ (SBN 112503)  
 glenn.pomerantz@mto.com  
 JOHN L. SCHWAB (SBN 301386)  
 john.schwab@mto.com  
 MUNGER, TOLLES & OLSON LLP  
 350 South Grand Avenue, 50<sup>th</sup> Floor  
 Los Angeles, California 90071-3426  
 Telephone: (213) 683-9100  
 Facsimile: (213) 687-3702

11 *Attorneys for Plaintiffs*

*Attorneys for Defendants*

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

17 REARDEN LLC and REARDEN MOVA  
 LLC,  
 18  
 Plaintiffs,  
 19  
 vs.  
 20  
 TWENTIETH CENTURY FOX FILM  
 21 CORPORATION and TWENTIETH  
 CENTURY FOX HOME ENTERTAINMENT  
 22 LLC,  
 23  
 Defendants.

Case No. 3:17-cv-04191-JST  
**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING DEFENDANTS'  
 MOTIONS TO DISMISS PURSUANT TO  
 FRCP 12(b)(6) OR, ALTERNATIVELY,  
 TO STAY**  
 Judge: Hon. Jon S. Tigar

1 **STIPULATION AND [PROPOSED] ORDER**

2 Plaintiffs Rearden LLC and Rearden MOVA LLC (“Plaintiffs”) and Defendants Twentieth  
3 Century Fox Film Corporation and Twentieth Century Fox Home Entertainment LLC  
4 (“Defendants”), by and through their counsel of record, stipulate as follows:

5 **WHEREAS**, on July 24, 2017, Plaintiffs filed their complaint against Defendants (Dkt. 1)  
6 and Defendants were all served by July 31, 2017;

7 **WHEREAS**, by joint stipulation, the parties agreed that Defendants’ deadline to answer or  
8 otherwise respond to the complaint would be extended to and including September 15, 2017 (Dkt.  
9 13);

10 **WHEREAS**, on July 31, 2017, this Court found that the above-captioned case (*Rearden v.*  
11 *Fox*) is related to the following cases, which are now pending before this court (Dkt. 8):

- 12 • *Shenzhenshi Haitiecheng Science and Technology v. Rearden LLC*, No.15-cv-  
13 00797-JST (*SHST v. Rearden*)
- 14 • *Rearden LLC v. The Walt Disney Co.*, No. 17-cv-04006-JST (*Rearden v. Disney*)
- 15 • *Rearden LLC v. Crystal Dynamics, Inc.*, No. 17-cv-04187-JST (*Rearden v. Crystal*  
16 *Dynamics*)
- 17 • *Rearden LLC v. Paramount Pictures Corp.*, No. 17-cv-04192-JST (*Rearden v.*  
18 *Paramount*)

19 **WHEREAS**, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v.*  
20 *Paramount* all intend to file motions to dismiss the complaints pursuant to Fed. R. Civ. P.  
21 12(b)(6), or, alternatively, to stay proceedings in those cases in the event the Court certifies the  
22 requested entry of judgment pursuant to Fed. R. Civ. P. 54(b) in *SHST v. Rearden* and also grants  
23 Virtual Global Holdings Limited’s forthcoming motion to stay proceedings in that case pending  
24 the disposition of an immediate appeal pursuant to Rule 54(b);

25 **WHEREAS**, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v.*  
26 *Paramount* are represented by the same counsel and will be making similar arguments in support  
27 of their dismissal motions on common issues;

28

1           **WHEREAS**, counsel for Plaintiffs and for the Defendants in *Rearden v. Disney*, *Rearden*  
2 *v. Fox*, and *Rearden v. Paramount* have met and conferred regarding the most efficient way to file  
3 documents related to Defendants’ upcoming motions to dismiss and have agreed upon the  
4 following procedure:

- 5           • Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount* will  
6 file the same consolidated Motion to Dismiss or Stay and supporting papers in all  
7 three cases;
- 8           • Plaintiffs will file the same consolidated Opposition and supporting papers in all  
9 three cases;
- 10          • Defendants will file the same consolidated Reply and supporting papers in all three  
11 cases; and
- 12          • Defendants’ consolidated Motion to Dismiss or Stay will be within the applicable  
13 page and other limitations of this Court’s Local Rules. Plaintiffs and Defendants  
14 presently intend for their consolidated Opposition and Reply papers, respectively,  
15 to be within the same limitations. This stipulation does not preclude either side  
16 from seeking an extension of those limitations, either by stipulation or Order based  
17 on good cause.

18           **WHEREAS**, the purpose of the foregoing procedure is to ensure that the Court and  
19 opposing counsel will need to review only one set of briefing papers in dealing with these Motions  
20 while preserving the record of each set of filings concerning the Motions in each of the respective  
21 case dockets;

22           **WHEREAS**, the parties further agree that if Defendants file their Rule 12(b)(6) motions  
23 on September 15, 2017, Plaintiffs’ responsive brief and supporting materials will be due on  
24 October 16, 2017, Defendants’ reply brief and supporting materials will be due on November 2,  
25 2017; and Defendants will notice the Motions for hearing on November 16, 2017, at 2:00 p.m.;

26           **WHEREAS**, the parties will confer with one another and the Courtroom Deputy regarding  
27 a procedure to propose to the Court in the Joint Case Management Statement regarding the  
28

1 coordination of all of the related cases so that parties may file documents in only one master  
2 docket;

3           **WHEREAS**, the Defendants in *Rearden v. Crystal Dynamics* are not represented by  
4 counsel for the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount*, and  
5 therefore any motion directed to the pleading that Defendants in *Rearden v. Crystal Dynamics* will  
6 not present the need for a single consolidated brief; nevertheless, to ensure a coordinated briefing  
7 schedule and the need for the Court to consider and hear all motions directed to the pleadings at  
8 the same time, Plaintiffs will agree that briefing on any motion filed by the parties to *Rearden v.*  
9 *Crystal Dynamics* shall take place according to the same time and page-limit schedule set forth  
10 above;

11           **NOW THEREFORE**, for good cause, the parties in the *Rearden v. Disney*, *Rearden v.*  
12 *Fox*, and *Rearden v. Paramount* cases stipulate that the documents relevant to Defendants'  
13 motions to dismiss the complaints and Plaintiffs' responsive brief in these cases will be filed  
14 pursuant to the procedure and deadlines set forth above.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **IT IS SO STIPULATED.**

2 DATED: September 14, 2017

HAGENS BERMAN SOBOL SHAPIRO LLP

3

4

5

By:           /s/ Mark S. Carlson            
          MARK S. CARLSON

6

*Attorneys for Plaintiffs*

7

8 DATED: September 14, 2017

MUNGER, TOLLES & OLSON LLP

9

10

11

By:           /s/ Kelly M. Klaus            
          KELLY M. KLAUS

12

*Attorneys for Defendants*

13

14

15

**CIVIL LOCAL RULE 5-1 ATTESTATION**

16

17

18

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

19

20

          /s/Kelly M. Klaus          

21

22

23

24

25

26

27

28

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

2 DATED: September 15, 2017

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

  
The Honorable Jon S. Tigar