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22 *Attorneys for Plaintiff*

23 UNITED STATES DISTRICT COURT  
 24 NORTHERN DISTRICT OF CALIFORNIA

25 JAMES MEYERS, on behalf of himself and all  
 26 others similarly situated,  
 27  
 28 Plaintiff,  
 29  
 30 FACEBOOK, INC.,  
 31  
 32 Defendant.

33 Case No. 3:18-cv-00062-WHO  
 34  
 35 **STIPULATION AND  
 36 ORDER TO SET BRIEFING  
 37 SCHEDULE ON DEFENDANT'S  
 38 MOTION TO DISMISS**  
 39  
 40 Honorable William H. Orrick

1 Plaintiff James Meyers (“Plaintiff”) and defendant Facebook, Inc. (“Defendant”) enter into  
2 this Stipulation with reference to the following:

3 **WHEREAS**, the parties filed a Joint Stipulation to Stay the Action Pending a Decision in  
4 *ACA International v. FCC*, D.C. Circuit Case No. 15-1211 (“*ACA International*”) and Joint  
5 Stipulation to Extend Time to Respond to the Complaint on February 23, 2018. Dkt. Nos. 32-33;

6 **WHEREAS**, on February 27, 2018, the Court issued an order staying the action pending a  
7 decision in *ACA International* and ordered the parties to notify the Court no later than seven days  
8 after the *ACA International* decision. Dkt. 34;

9 **WHEREAS**, on March 23, 2018, the parties filed a letter with the Court regarding the  
10 issuance of the decision in *ACA International*. Defendant notified the Court that it would file a  
11 responsive pleading in the action on April 16, 2018. Dkt. 35;

12 **WHEREAS**, on April 16, 2018, Defendant filed a Motion to Dismiss or, in the Alternative,  
13 Motion to Stay (the “Motion”) in response to the complaint and has set the Motion for hearing on  
14 Wednesday, June 27, 2018 at 2:00 p.m. Dkt. 36;

15 **WHEREAS**, on April 17, 2018, Plaintiff requested an extension of three weeks to file his  
16 response to the Motion, which is currently due on April 30, 2018;

17 **WHEREAS**, the Parties have agreed to a briefing schedule for Defendant’s Motion as  
18 follows:

- 19 • Plaintiff’s deadline to file an opposition to Defendant’s Motion will be May 21, 2018;
- 20 and
- 21 • Defendant’s deadline to file a reply in support of its Motion will June 11, 2018.
- 22 • The hearing date of June 27, 2018 will remain the same.

23 Dated: April 19, 2018

**BURSOR & FISHER, P.A.**

24 By:  /s/ L. Timothy Fisher  
25 L. Timothy Fisher

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*Attorneys for Plaintiff*

Dated: April 19, 2018

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By:           /s/ Elizabeth L. Deeley            
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1 **ATTESTATION**

2 I, L. Timothy Fisher, am the ECF user whose ID and password are being used to file the  
3 Stipulation to Set Briefing Schedule on Defendants Motion to Dismiss. In compliance with Local  
4 Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from  
5 all signatories.

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS ORDERED as follows:

1. Plaintiff James Meyers shall have until May 21, 2018 to file an opposition to Defendant Facebook Inc.'s Motion to Dismiss or, in the Alternative, Motion to Stay.
2. Defendant Facebook shall have until June 11, 2018 to file a reply in support of the motion.
3. The hearing will remain on June 27, 2018 at 2:00 p.m.

Date: May 2, 2018

  
\_\_\_\_\_  
William H. Orrick  
United States District Court Judge