

1 LATHAM & WATKINS LLP  
 Elizabeth L. Deeley (Bar No. 230798)  
 2 *elizabeth.deeley@lw.com*  
 505 Montgomery Street, Ste. 2000  
 3 San Francisco, CA 94111  
 415.391.0600 / 415.395.8095 (Fax)

Andrew B. Clubok (*pro hac vice*)  
 5 *andrew.clubok@lw.com*  
 Susan E. Engel (*pro hac vice*)  
 6 *susan.engel@lw.com*  
 555 Eleventh Street, NW, Suite 1000  
 7 Washington, D.C. 20004  
 202.637.2200 / 202.637.2201 (Fax)

8 Counsel for Defendant Facebook, Inc.

9 *Additional Counsel on Signature Page*

10  
 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

14 JAMES MEYERS, on behalf of himself and  
 15 all others similarly situated,  
 16 Plaintiff,  
 17 v.  
 18 FACEBOOK, INC.,  
 19 Defendant.

CASE NO. 3:18-cv-00062-WHO

**JOINT STIPULATION AND ORDER  
 REGARDING A BRIEFING SCHEDULE  
 FOR RESPONDING TO PLAINTIFF'S FIRST  
 AMENDED COMPLAINT**

Judge: Hon. William H. Orrick

20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

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

3 **WHEREAS**, on April 16, 2018, Defendant filed a Motion to Dismiss or, in the  
4 Alternative, Motion to Stay in response to the complaint and set the motion for hearing on  
5 Wednesday, June 27, 2018 at 2:00 p.m. Dkt. 36;

6 **WHEREAS**, the Court granted the parties request for a modified briefing schedule for  
7 Defendant’s motion and set the following deadlines: (1) Plaintiff’s deadline to file an opposition  
8 is May 21, 2018; and (2) Defendant’s deadline to file a reply in support of its Motion is June 11,  
9 2018. Dkt. 39;

10 **WHEREAS**, Plaintiff filed an amended complaint on May 8, 2018. Dkt. 40;

11 **WHEREAS**, Defendant consents to the filing of the First Amended Class Action  
12 Complaint (“FAC”) pursuant to Federal Rule of Civil Procedure 15(a)(2);

13 **WHEREAS**, Defendant withdraws its Motion to Stay without prejudice to refile, and  
14 the parties agree that the June 27, 2018 hearing date regarding Defendant’s Motion to Stay  
15 should be removed from the calendar;

16 **WHEREAS**, the parties agree that (1) Defendant shall have forty-five days to file a  
17 motion to dismiss or stay or otherwise respond to the FAC, (2) Plaintiff shall have twenty-eight  
18 days to file an opposition to any such motion, and (3) Defendant shall have twenty-one days to  
19 file a reply in support of its motion;

20 **WHEREAS**, the parties respectfully request that the Court grant the attached proposed  
21 order and order as follows:

- 22 • Defendant’s deadline to move to dismiss or stay or otherwise respond to the FAC is  
23 June 22, 2018;
- 24 • Plaintiff’s deadline to oppose any such motion is July 20, 2018;
- 25 • Defendant’s deadline to reply in support of its motion shall be August 10, 2018; and
- 26 • The June 27, 2018 hearing date on Defendant’s Motion (Dkt. 36) is vacated and  
27 Defendant shall set a new hearing date when it files any motion related to the FAC.

28 **IT IS SO STIPULATED.**

1  
2  
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

Dated: May 16, 2018

LATHAM & WATKINS LLP

By: /s/ Andrew B. Clubok  
Andrew B. Clubok

Counsel for Defendant Facebook, Inc.

Dated: May 16, 2018

BURSOR & FISHER, P.A.

By: /s/ L. Timothy Fisher  
L. Timothy Fisher (State Bar No. 191626)  
1990 North California Blvd., Suite 940  
Walnut Creek, CA 94596  
(925) 300-4455 / (925) 407-2700 (Fax)  
*ltfisher@bursor.com*

**BURSOR & FISHER, P.A.**  
Scott A. Bursor (State Bar No. 276006)  
888 Seventh Avenue  
New York, NY 10019  
(212) 989-9113 / (212) 989-9163 (Fax)  
*scott@bursor.com*

**NATHAN & ASSOCIATES, APC**  
Reuben D. Nathan, Esq. (Bar No. 208436)  
600 W. Broadway, Suite 700  
San Diego, California 92101  
(619) 272-7014 / (619) 330-1819 (Fax)  
*rnathan@nathanlawpractice.com*

Attorneys for Plaintiff James Meyers

**ATTESTATION**

I hereby attest that all other signatories listed, and on whose behalf this filing is submitted, concur in this filing's content and have authorized this filing.

Dated: May 16, 2018

/s/ Andrew B. Clubok  
Andrew B. Clubok

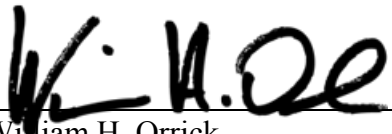
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS ORDERED as follows:

1. Defendant Facebook shall have until June 22, 2018 to move to dismiss or stay, or otherwise respond to the First Amended Class Action Complaint (“FAC”);
2. Plaintiff James Meyers shall have until July 20, 2018 to respond to Defendant’s motion;
3. Defendant Facebook’s deadline to reply in support of its motion shall be August 10, 2018;
4. The June 27, 2018 hearing on Defendant Facebook’s previously filed motion (Dkt. 36) is hereby vacated; and
5. Defendant Facebook shall secure a new hearing date, if necessary, when filing its response to the FAC.

Date: May 17, 2018

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