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27 *Counsel for Plaintiff Tony Kramer
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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

TONY KRAMER, individually and on
 behalf of all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

Case No. 3:18-cv-03113-RS

**STIPULATION AND [~~PROPOSED~~]
 ORDER TO EXTEND TIME TO
 FILE AMENDED COMPLAINT, TO
 SET BRIEFING SCHEDULE ON
 MOTION TO DISMISS AMENDED
 COMPLAINT, AND TO CONTINUE
 THE INITIAL CASE
 MANAGEMENT CONFERENCE**

STIPULATION TO EXTEND TIME TO FILE AMENDED COMPLAINT, TO SET BRIEFING
 SCHEDULE ON MTD, AND TO CONTINUE INITIAL CMC

Case No. 3:18-CV-3113-RS

1 This Stipulation is entered into by and between plaintiff Tony Kramer,
2 individually and on behalf of all others similarly situated (“Plaintiff”) and defendant
3 Facebook Inc. (“Defendant”) (Plaintiff and Defendant collectively, “the Parties”) by
4 and through their respective counsel.

5 WHEREAS, Plaintiff filed a Complaint in the above-entitled action in the
6 United States District Court, Northern District of California, on May 24, 2018 and
7 served the Complaint on Defendant on May 25, 2018 (ECF 1);

8 WHEREAS, on June 13, 2018, the Parties filed a stipulation to extend time to
9 respond to the Complaint, to and including July 16, 2018 (ECF 16);

10 WHEREAS, on June 28, 2018, the Parties filed a stipulation and proposed
11 order to reschedule the Initial Case Management Conference to September 20, 2018
12 and setting the deadline to file the Joint Case Management Statement to September
13 13, 2018, which the Court granted (ECF 26-27);

14 WHEREAS, on July 12, 2018, the Parties filed a stipulation to extend time to
15 respond to the Complaint, resetting Defendant’s deadline to respond to August 16,
16 2018 (ECF 32);

17 WHEREAS, on August 16, 2018, Defendant filed a motion to dismiss the
18 Complaint (ECF 37);

19 WHEREAS, in lieu of responding to said motion, and pursuant to Fed. R. Civ.
20 P. 15 (a) (1) (B), Plaintiff has until September 6, 2018 to file an Amended Complaint;

21 WHEREAS, the Parties have agreed to extend Plaintiff’s deadline to file an
22 Amended Complaint to and including September 18, 2018;

23 WHEREAS, pursuant to Fed. R. Civ. P. 15 (a) (3), Defendant would have until
24 October 2, 2018 to respond to an Amended Complaint filed on September 18, 2018;

25 WHEREAS, the Parties have further agreed to extend Defendant’s time to
26 respond to the Amended Complaint by one week until October 9, 2018;

1 WHEREAS, the Parties have further agreed to a briefing schedule, if
2 Defendant files a Motion to Dismiss the Amended Complaint on October 9, 2018, on
3 said motion, whereby Plaintiff's opposition is due November 23, 2018, Defendant's
4 reply is due December 6, 2018, and the Motion is to be noticed for December 13,
5 2018;

6 WHEREAS, the Parties have conferred and further agree that, in light of
7 Plaintiff's Amended Complaint being filed two days prior to the currently scheduled
8 Initial Case Management Conference, the parties' agreed upon briefing schedule on
9 a motion to dismiss the Amended Complaint, and in order to ensure the most orderly
10 and efficient management of this case, that the Initial Case Management Conference
11 should be continued from September 20, 2018 to October 25, 2018;

12 WHEREAS, the Parties have conferred and further agree that, in order to
13 facilitate management of this case, the Parties agree to exchange initial disclosures
14 pursuant to Rule 26 (a) (1) no later than October 11, 2018;

15 WHEREAS, by continuing the Initial Case Management Conference, the
16 deadline for the Parties to file a Joint Case Management Statement pursuant to
17 Local Rule 16-9 and Fed. R. Civ. P. 26(f) would be extended until October 18, 2018;

18 WHEREAS, other than continuing the Initial Case Management Conference,
19 agreeing to exchange initial disclosures pursuant to Rule 26 (a) (1) no later than
20 October 11, 2018, and extending the deadlines for the Rule 26 (f) Conference and
21 Joint Case Management Statement, an extension until September 18, 2018 to file an
22 Amended Complaint and the parties' agreed briefing schedule on Defendant's
23 Motion to Dismiss the Amended Complaint, if filed, will not alter the date of any
24 event or any deadline already fixed by Court Order;

25 It is therefore **STIPULATED** and **AGREED**, subject to Court approval, that:

- 26 1. Plaintiff's Amended Complaint shall be due on September 18, 2018;
- 27 2. Plaintiff may file its Amended Complaint in lieu of responding to

28 Defendant's motion to dismiss;

1 3. Defendant's response to the Amended Complaint shall be due on
2 October 9, 2018;

3 4. Plaintiff's opposition to Defendant's Motion to Dismiss the Amended
4 Complaint (if filed) shall be due on November 23, 2018;

5 5. Defendant's Reply Brief in Support of its Motion to Dismiss the
6 Amended Complaint (if filed) shall be due on December 6, 2018;

7 6. The Parties shall notice the Motion to Dismiss the Amended Complaint
8 (if filed) for December 13, 2018;

9 7. The Parties shall exchange initial disclosures pursuant to Rule 26 (a)
10 (1) on or before October 11, 2018;

11 8. The parties' Joint Case Management Statement shall be due on October
12 18, 2018;

13 9. The Initial Case Management Conference shall be continued until
14 October 25, 2018 at ^{1:30 P.M.}~~10:00 A.M.~~; and

15 10. Any previously set deadline that conflicts with any of the foregoing is
16 hereby vacated.

1 Dated: August 30, 2018

BOCK, HATCH, LEWIS & OPPENHEIM, LLC

2 BY: /s/ Molly E. Stemper
Phillip A. Bock

3
4 Attorneys for Plaintiff TONY KRAMER,
individually and on behalf of all others
5 similarly situated.

6 Dated: August 30, 2018

BOIES SCHILLER FLEXNER LLP

7 BY: /s/ Karen L. Dunn
Karen L. Dunn

8
9 Attorneys for Defendant
FACEBOOK, INC.

10
11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12
13 DATED: 8/31/18



14 Hon. Richard Seeborg
15 United States District Court Judge

16 **SIGNATURE ATTESTATION**

17 Pursuant to Local Rule 5-1 (i) (3), I attest under penalty of perjury that
18 concurrence in the filing of this document has been obtained from any other
19 signatory to this document.

20
21 Dated: August 30, 2018

By: /s/ Molly E. Stemper
Molly E. Stemper