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12 [ADDITIONAL COUNSEL ON SIGNATURE PAGE]

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

16 AGUSTIN CACCURI, ADRIAN CENDEJAS
 17 and ALLEN NEUMARK on behalf of
 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 SONY INTERACTIVE ENTERTAINMENT
 21 LLC,

22 Defendant.

Case Nos. 3:21-cv-03361-RS
 3:21-cv-03447-RS
 3:21-cv-05031-RS

JOINT STIPULATION AND
CASE MANAGEMENT
ORDER NO. 2

1 WHEREAS, each of the named plaintiffs in the above-captioned action separately filed a
2 class action alleging violations of antitrust laws in connection with the marketing, distribution
3 and sale of digital PlayStation games: *Caccuri v. Sony Interactive Entertainment LLC*, Case No.
4 21-cv-03361, ECF No. 1 (the “*Caccuri Action*”); *Cendejas v. Sony Interactive Entertainment*
5 *LLC et al.*, Case No. 21-cv-03447, ECF No. 1 (the “*Cendejas Action*”); *Neumark v. Sony*
6 *Interactive Entertainment LLC et al.*, Case No. 21-cv-05031, ECF No. 1 (the “*Neumark*
7 *Action*”);

8 WHEREAS, the *Caccuri* and *Cendejas* Plaintiffs and defendant Sony Interactive
9 Entertainment LLC (“Sony Interactive”) filed a Joint Stipulation And [Proposed] Case
10 Management Order No. 1 (*Caccuri Action*, ECF No. 28; *Cendejas Action*, ECF No. 18), which
11 the Court ordered (*Caccuri Action*, ECF No. 29; *Cendejas Action*, ECF No. 19), and which
12 deferred responses to the above complaints pending the appointment of Interim Lead or Co-Lead
13 Counsel and the filing of a single Consolidated Class Action Complaint (the “Consolidated
14 Complaint”);

15 WHEREAS, Plaintiff Neumark and Sony Interactive filed a similar Joint Stipulation And
16 [Proposed] Case Management Order in the *Neumark Action* (*Neumark Action*, ECF No. 17),
17 which the Court ordered (*Neumark Action*, ECF No. 18), and which also deferred responses to
18 the *Neumark* Complaint pending the appointment of Interim Lead or Co-Lead Counsel and the
19 filing of the Consolidated Class Action Complaint encompassing all three actions;

20 WHEREAS, on December 20, 2021, Plaintiffs filed the Consolidated Class Action
21 Complaint in the above-captioned action (*Caccuri Action*, ECF No. 40) alleging violations of the
22 antitrust law and other claims in the alleged market for digital PlayStation video game content;

23 WHEREAS, no extension has been previously granted for Sony Interactive to respond to
24 the Consolidated Class Action Complaint;

25 WHEREAS, under Case Management Order No. 1, Sony Interactive’s current deadline to
26 respond to the Consolidated Class Action Complaint is January 19, 2022;

1 WHEREAS, to provide Sony Interactive adequate time to evaluate the allegations set
2 forth in the Consolidated Class Action Complaint, including in view of the intervening holidays,
3 and to prepare a response, the undersigned Parties met and conferred and agreed to a thirty-day
4 extension for Sony Interactive to respond to the Consolidated Class Action Complaint (from
5 January 19, 2022 to February 18, 2022);

6 WHEREAS, the undersigned Parties agree that this Stipulation and Proposed Order is not
7 intended to bar Sony Interactive from filing any motion to compel arbitration or motion under
8 Federal Rule of Civil Procedure 12 after February 18, 2022, that it would otherwise be permitted
9 to file by law, nor intended to affect Plaintiffs' ability to seek motion-related discovery in order
10 to oppose any such motion, or Sony Interactive's ability to oppose such discovery;

11 WHEREAS, the undersigned Parties agree that the execution and filing of this Stipulation
12 and Proposed Order does not waive or prejudice any right, claim or defense of any party to the
13 above-captioned action;

14 WHEREAS, the undersigned Parties agree that this Stipulation and Proposed Order does
15 not preclude any further agreement between the Parties on scheduling or any request to the Court
16 for additional orders related to scheduling;

17 NOW, THEREFORE, the undersigned Parties, through their counsel, hereby stipulate,
18 agree and respectfully request the Court enter an Order setting the deadline for Sony Interactive
19 to respond to the Consolidated Class Action Complaint (including by way of a motion to compel
20 arbitration as to the named Plaintiffs or a motion to dismiss under Rule 12) to February 18, 2022,
21 with appropriate adjustments to the briefing schedule set forth in the Proposed Order below.

22 Dated: January 7, 2022

Respectfully submitted,

23 SHEARMAN & STERLING LLP

MOTLEY RICE LLC

24
25 /s/ John F. Cove, Jr.

/s/ Michael M. Buchman

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E-Filing Attestation

I, John F. Cove, Jr., am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each signatory identified above has concurred in this filing.

By: /s/ John F. Cove, Jr.
 John F. Cove, Jr.

1 **ORDER**

2 The above Stipulation of the Parties is hereby approved. It is HEREBY ORDERED that
3 the case management schedule be revised as follows:

4

EVENT	DEADLINE
5 Sony Interactive Entertainment LLC (“Sony 6 Interactive”) Response to Consolidated 7 Complaint	February 18, 2022
8 Opposition to Sony Interactive’s Motion	March 21, 2022
9 Reply in Support of Sony Interactive’s 10 Motion	April 12, 2022
11 Hearing on Sony Interactive’s Motion	12 May 12, 2022 at 1:30 pm

13

14 If Sony Interactive’s Motion is denied, the Parties will meet and confer within seven days of the
15 Court’s order denying the Motion to discuss scheduling matters. Within 14 days of the order, the
16 Parties shall submit an agreed-upon schedule, or, if they cannot agree, separate proposed
17 schedules. No discovery or Rule 26 disclosures shall take place before the resolution of any motion
18 to compel arbitration and/or any motion to dismiss pursuant to Federal Rule of Civil Procedure 12
19 absent good cause shown.

20
21 Dated: January 10, 2022

22 
23 HON. RICHARD G. SEEBORG
24 UNITED STATES DISTRICT JUDGE