

Joseph J. Tabacco, Jr. (No. 75484)
 Christopher T. Heffelfinger (No. 118058)
 BERMAN DeVALERIO
 425 California Street, Suite 2100
 San Francisco, California 94104
 Telephone: (415) 433-3200
 Facsimile: (415) 433-6382

Manuel J. Dominguez (*Pro Hac Vice*)
 BERMAN DeVALERIO
 4280 Professional Center Drive, Suite 350
 Palm Beach Gardens, Florida 33410
 Telephone: (561) 835-9400
 Facsimile: (561) 835-0322

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

DOE 1, DOE 2, and KASADORE
 RAMKISSOON, on Behalf of
 Themselves and all other Persons
 Similarly Situated,

Plaintiffs,

v.

AOL LLC,

Defendant.

CASE NO. C 06-5866 SBA

Honorable Sandra Brown Armstrong

**STIPULATION AND ORDER
 MODIFYING TIME FOR FILING
 RESPONSES AND HEARING DATE
 FOR DEFENDANT'S MOTION FOR
 JUDGMENT ON THE PLEADINGS**

RECITALS

WHEREAS, on June 29, 2009, Defendant AOL filed a Notice of Motion and 12(c) Motion for Judgment on the Pleadings (the "Motion For Judgment On The Pleadings");

WHEREAS, Plaintiffs assert that several of the issues raised in Defendant's Motion For Judgment On The Pleadings are currently before the Court in connection with the Court's July 6, 2009 Order Re Supplemental Briefing on Defendant's Motion to Implement Ninth Circuit's Mandate and the Parties' related briefing;

1 WHEREAS, Plaintiffs anticipate that the Court's ruling on Defendant's Motion to
2 Implement Ninth Circuit's Mandate (the "Ruling") may impact their response to Defendant's
3 Motion For Judgment On The Pleadings and, as such, would like the opportunity to assess the
4 effect of the Court's Ruling on the Motion For Judgment On The Pleadings;

5 WHEREAS, as is specified in the accompanying Declaration of Manuel J. Dominguez,
6 Plaintiffs proposed to Defendant that the Parties modify the time for opposition and reply briefs
7 on the Motion For Judgment On The Pleadings as well as the hearing date of that Motion;

8 WHEREAS, the Parties have met and conferred regarding Plaintiffs' proposal and
9 Defendant consents to that proposal.

10 WHEREAS, no time modifications in connection with the Motion For Judgment On The
11 Pleadings have been previously requested, and the stipulated requested modifications would not
12 otherwise alter the schedule for the case.

13 WHEREAS, pursuant to Local Rules 6-1 and 6-2, the undersigned Parties file this
14 Stipulation and [Proposed] Order Modifying Time For Filing Responses And Hearing Date For
15 Defendant's Motion for Judgment On The Pleadings.

16
17 **STIPULATION**

18 IT IS THEREFORE STIPULATED by and between the Parties, acting through their
19 counsel of record, that, subject to the Court's approval, the Parties' opposition and reply briefs to
20 the Motion For Judgment On The Pleadings are due and the hearing date on the Motion For
21 Judgment On The Pleadings are as follows:

22 September 29, 2009 – Modified deadline for Plaintiffs to file their opposition papers.

23 October 13, 2009 – Modified deadline for Defendants to file their reply papers.

24 December 8, 2009, 1:00 PM – Modified hearing date.

25
26 The parties so stipulate and request.

27 Dated: August 19, 2009

28 Respectfully submitted,

1 **BERMAN DeVALERIO**

2 By: /s/ Manuel J. Dominguez

3 Manuel J. Dominguez (*Pro Hac Vice*)
4 C. Oliver Burt, III (*Pro Hac Vice*)
5 Marc J. Greenspon
6 Daniel A. Bushell
7 4280 Professional Center Drive, Suite 350
8 Palm Beach Gardens, Florida 33410
9 Telephone: (561) 835-9400
Facsimile: (561) 835-0322
E-Mail: mdominguez@bermandevalerio.com
cburt@bermandevalerio.com
mgreenspon@bermandevalerio.com
dbushell@bermandevalerio.com

10 Joseph J. Tabacco, Jr. (75484)
11 Christopher T. Heffelfinger (118058)
12 425 California Street, Suite 2100
13 San Francisco, California 94104-2205
14 Telephone: (415) 433-3200
Facsimile: (415) 433-6382
E-Mail: jtabacco@bermandevalerio.com
cheffelfinger@bermandevalerio.com

15 LAW OFFICE OF RICHARD R. WIEBE
16 Richard R. Wiebe
17 425 California Street, Suite 2025
18 San Francisco, California 94104
19 Telephone: (415) 433-3200
20 Facsimile: (415) 433-6382
21 Email: wiebe@pacbell.net

22 JAMES K. GREEN, P.A.
23 James K. Green (*Pro Hac Vice*)
24 222 Lakeview Avenue, Suite 1650
25 West Palm Beach, Florida 33401
26 Telephone: (561) 659-2029
27 Facsimile: (561) 655-1357
28 Email: jameskgreen@bellsouth.net

Counsel for Plaintiffs

E-Filing Attestation

I, Manuel J. Dominguez, am the ECF User whose login and password are being used to file this document. In compliance with General order 45 X.B., I hereby attest that the signatory identified below has concurred in this filing.

/s/Manuel J. Dominguez
Manuel J. Dominguez

KIRKLAND & ELLIS LLP

By /s/ Joseph Serino, Jr.
Joseph Serino, Jr.

Andrew G. Horne
David S. Flugman
Adam Fotiades
all admitted pro hac vice
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
Email: jserino@kirkland.com
ahorne@kirkand.com
dflugman@kirkland.com
afotiades@kirkland.com

Elizabeth L. Deeley
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500
Email: edeeley@kirkland.com

Attorneys for AOL LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _8/25/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge