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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

DOE 1, DOE 2, and KASADORE  
RAMKISSOON, on Behalf of Themselves and  
All Other Persons Similarly Situated,

Plaintiffs,

vs.

AOL LLC,

Defendant.

Case No: C 06-5866 SBA

**ORDER DIRECTING DEFENDANT  
TO FILE A REPLY BRIEF**

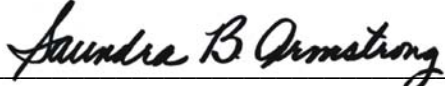
Docket 80

This Court previously ordered Defendant America On-Line (AOL) to file “a supplemental brief that addresses the issue of whether this Court may compel Plaintiffs to litigate their federal claim under the Electronic Communication Privacy Act in a state court.” Docket 103 at 6. In addition, the Court ordered Plaintiffs to file a “*response* to AOL’s supplemental brief.” *Id.* (emphasis added). Plaintiffs’ response brief includes a number of arguments that exceed both the scope of the contentions presented in AOL’s supplemental brief and the Court’s order for supplemental briefing. Accordingly,

IT IS HEREBY ORDERED THAT AOL shall file a reply brief that addresses Plaintiffs’ contentions that: (1) the forum selection clause does not waive federal jurisdiction; (2) enforcement of the forum selection clause would violate “federal policy” because Virginia does not permit class actions; and (3) this Court should resolve Plaintiffs’ claim under the Electronic Communication Privacy Act on the ground that it presents “novel” issues of law. AOL shall file its supplemental reply, which shall not exceed five pages in length, by no later than October 30, 2009.

IT IS SO ORDERED.

Dated: October 21, 2009

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge