

1 Joseph Serino, Jr.
 2 Andrew G. Horne
 3 David S. Flugman
 4 Adam L. Fotiades
 5 *All admitted pro hac vice*
 6 KIRKLAND & ELLIS LLP
 7 601 Lexington Avenue
 8 New York, New York 10022
 9 Telephone: (212) 446-4800
 10 Facsimile: (212) 446-4900

11 -- and --

12 Elizabeth L. Deeley (No. 230798)
 13 KIRKLAND & ELLIS LLP
 14 555 California Street
 15 San Francisco, California 94104
 16 Telephone: (415) 439-1400
 17 Facsimile: (415) 439-1500

18 *Attorneys for Defendant AOL LLC*

19 UNITED STATES DISTRICT COURT
 20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 21 OAKLAND DIVISION

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

25 CASE NO. C 06-5866 (SBA) (JCS)

26 *Plaintiffs,*

27 **JOINT STIPULATION AND
 28 ORDER**

29 v.

30 AOL LLC,

31 *Defendant.*

32 WHEREAS, Defendant AOL LLC's ("AOL") deadline to designate experts is February 17, 2011,
 33 Plaintiffs' deadline to make rebuttal disclosures is March 11, 2011, and the expert discovery deadline is
 34 March 25, 2011;

1 WHEREAS, on January 31, 2011, this Court directed the parties to show cause why the remaining
2 state law causes of action should not be dismissed without prejudice for lack of subject matter jurisdiction,
3 and alternatively, why the Court should not decline to exercise supplemental jurisdiction over those causes
4 of action, pursuant to 28 U.S.C. § 1367(c)(2) and (c)(3), in the absence of subject matter jurisdiction under
5 28 U.S.C. § 1332;

6 WHEREAS, in light of that order, the parties have agreed, subject to approval by the Court, to a
7 modification of the expert discovery schedule that will extend AOL's deadline to designate experts until
8 March 7, 2011, extend Plaintiffs' deadline to make their rebuttal disclosures until March 28, 2011, and
9 extend the expert discovery deadline until April 8, 2011;

10 WHEREAS, the requested time modification will not have any other effect on the schedule for the
11 case.

12 WHEREAS, Plaintiffs previously filed an unopposed motion to extend each of the expert discovery
13 deadlines by twenty (20) days, which the Court granted on November 30, 2010;

14 WHEREAS, the parties previously submitted a joint stipulation further extending the expert
15 discovery deadlines, which the Court granted on December 28, 2010;

16 IT IS HEREBY STIPULATED AND AGREED, by and between the parties, acting through their
17 undersigned counsel of record, that, subject to the Court's approval, AOL's deadline to designate experts is
18 extended until March 7, 2011, Plaintiffs' deadline to make their rebuttal disclosures is extended until
19

1 March 28, 2011, and the expert discovery deadline is extended until April 8, 2011.

2
3 Dated: February 7, 2011

4
5 /s/ Manuel J. Dominguez

6 Joseph J. Tobacco, Jr. (75484)
7 BERMAN DEVALERIO
8 One California Street, Suite 900
9 San Francisco, California 94104
10 Telephone: (415) 433-3200
11 Facsimile: (415) 433-6382

12 Manuel J. Dominguez (*pro hac vice*)
13 BERMAN DEVALERIO
14 4280 Professional Center Drive, Suite 350
15 Palm Beach Gardens, Florida 33410
16 Telephone: (561) 835-9400
17 Facsimile: (561) 835-0322

18 Nathaniel L. Orenstein (*pro hac vice*)
19 BERMAN DEVALERIO
20 1 Liberty Square
21 Boston, Massachusetts 02109
22 Telephone: (617) 542-8300
23 Facsimile: (617) 542-1194

24 Richard R. Wiebe (121156)
25 LAW OFFICE OF RICHARD R. WIEBE
26 One California Street, Suite 900
27 San Francisco, California 94111
28 Telephone: (415) 439-1400
Facsimile: (415) 439-1500

James K. Green
JAMES K. GREEN, P.A.
222 Lakeview Avenue, Suite 1650
West Palm Beach, Florida 33401
Telephone: (561) 659-2029
Facsimile: (561) 655-1357

Attorneys for Plaintiffs

/s/ Andrew G. Horne

Joseph Serino, Jr.
Andrew G. Horne
Adam L. Fotiades
David S. Flugman
All admitted pro hac vice
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

-- and --

Elizabeth L. Deeley (230798)
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Attorneys for Defendant AOL LLC

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/9/11



THE HONORABLE SAUNDRA B. ARMSTRONG
UNITED STATES DISTRICT JUDGE

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

E-Filing Attestation

I, Andrew G. Horne, am the ECF User whose ID 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 concurred in its filing.

/s/ Andrew G. Horne
Andrew G. Horne (*pro hac vice*)

BERMAN DEVALERIO

By: /s/ Manuel J. Dominguez
Manuel J. Dominguez (*pro hac vice*)

4280 Professional Center Drive, Suite 350
Palm Beach Gardens, Florida 33410
Telephone: (561) 835-9400
Facsimile: (561) 835-0322