

1 MORTON H. SKLAR (admitted *pro hac vice*)  
 2 [mksklar@humanrightsusa.org](mailto:mksklar@humanrightsusa.org)  
 3 WORLD ORGANIZATION FOR HUMAN RIGHTS USA  
 4 2029 P Street NW, Suite 301  
 5 Washington, DC 20036  
 6 Telephone: (202) 296-5702  
 7 Facsimile: (202) 296-5704  
 8 [Local Counsel, Roger R. Myers of Holme Roberts &  
 9 Owen LLP, Listed on the Signature Page]  
 10 Attorneys for Plaintiffs

11 DANIEL M. PETROCELLI (S.B. #97802)  
 12 [dpetrocelli@omm.com](mailto:dpetrocelli@omm.com)  
 13 O'MELVENY & MYERS LLP  
 14 1999 Avenue Of The Stars  
 15 Los Angeles, California 90067-6035  
 16 Telephone: (310) 553-6700  
 17 Facsimile: (310) 246-6779  
 18 Attorneys for Defendant YAHOO!, INC.

19 JOSEPH P. CYR (*pro hac vice* application forthcoming)  
 20 [joe.cyr@lovells.com](mailto:joe.cyr@lovells.com)  
 21 SCOTT REYNOLDS (*pro hac vice* application forthcoming)  
 22 [scott.reynolds@lovells.com](mailto:scott.reynolds@lovells.com)  
 23 LOVELLS LLP  
 24 590 Madison Ave.  
 25 New York, New York 10022  
 26 Telephone: (212) 909-0600  
 27 Facsimile: (212) 909-0660  
 28 Attorneys for Defendant ALIBABA.COM, INC.

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION**

WANG XIAONING, YU LING, SHI TAO, and  
 ADDITIONAL PRESENTLY UNNAMED AND TO  
 BE IDENTIFIED INDIVIDUALS,  
 Plaintiffs,

v.

YAHOO! INC., a Delaware Corporation, YAHOO!  
 HONG KONG, LTD., a Foreign Subsidiary of Yahoo!,  
 ALIBABA.COM INC., a Delaware Corporation AND  
 OTHER PRESENTLY UNNAMED AND TO BE  
 IDENTIFIED CORPORATE DEFENDANTS AND  
 UNNAMED AND TO BE IDENTIFIED  
 INDIVIDUAL EMPLOYEES OF SAID  
 CORPORATIONS,

Defendants.

**CASE NO. C07-02151 CW**

**JOINT STIPULATION RE: WITHDRAWAL OF  
 THE PLAINTIFFS' MOTION FOR LEAVE TO  
 FILE SECOND AMENDED COMPLAINT, RE:  
 FILING OF SECOND AMENDED COMPLAINT,  
 AND RE: EXTENDING TIME DEADLINES  
 ACCORDINGLY; PROPOSED ORDER**

**[JOINT DECLARATION OF MORTON SKLAR,  
 MATTHEW KLINE, AND SCOTT REYNOLDS]**

1 **RECITALS**

2 **WHEREAS**, the original Complaint in the above-captioned case was filed on April 18, 2007  
3 and a First Amended Complaint was filed on May 29, 2007;

4 **WHEREAS**, Plaintiffs filed a Motion for Leave to File Second Amended Complaint, along  
5 with the text of a Second Amended Complaint, without the consent of the Defendants on July 13,  
6 2007, and this motion has not yet been opposed by Defendants or heard by the Court;

7 **WHEREAS**, the Court issued an initial Case Schedule Order on April 18, 2007, and a  
8 second Case Schedule Order on June 19, 2007 pursuant to a Joint Stipulated Request to Enlarge  
9 Time;

10 **WHEREAS**, Defendant Yahoo!, Inc. submitted a Motion For An Early Case Management  
11 Conference And Order, which is fully briefed and currently being considered by the Court;

12 **WHEREAS**, Plaintiffs and Defendants have been engaged in discussions regarding  
13 Plaintiffs' Second Amended Complaint; Plaintiffs' Motion for Leave to File a Second Amended  
14 Complaint; how to reach a stipulated agreement on the filing of a Second Amended Complaint; and  
15 the effect of the filing of the Second Amended Complaint on both the existing Court-ordered  
16 schedule, and Yahoo!, Inc.'s proposal to modify that schedule;

17 **STIPULATION**

18 **WHEREAS, NOW THEREFORE**, the Parties hereby jointly stipulate and request as follows:  
19

20 (1) Plaintiffs hereby withdraw their Motion for Leave to File a Second Amended Complaint;

21 (2) Defendants consent to Plaintiffs' filing the Second Amended Complaint, which has  
22 dropped Alibaba.com, Inc. as a Defendant;

23 (3) Defendants hereby reserve any and all objections that they have to the Second Amended  
24 Complaint, including but not limited to their ability to move to dismiss the complaint for failure to  
25 state a claim, move to strike it pursuant to the anti-SLAPP statute, move for a more definite  
26 statement, or move to dismiss for lack of personal jurisdiction;

27 (a) Plaintiffs, for their part, do not by this Stipulation consent to, or accept the validity  
28 of, any such Motions;

1 (4) Defendants' respective Answers or Responsive Motions to the Second Amended  
2 Complaint will not be due until 30 days following the date on which this Court adopts and issues the  
3 accompanying [Proposed] Order;

4 (5) Plaintiffs' Opposition to Defendants' Responsive Motions will not be due until 30 days  
5 after Defendants file their Responsive Motions;

6 (6) Defendants' respective Replies to Plaintiffs' Opposition will not be due until 21 days  
7 following the filing of Plaintiffs' Opposition.

8 (7) The additional time deadlines set forth in the Court's June 19, 2007 Scheduling Order  
9 will be extended as follows:

10 (a) the last day to meet and discuss initial disclosures, early settlement, ADR and  
11 discovery matters will be extended from August 17, 2007 to September 7, 2007;

12 (b) the last day to file a Rule 26(f) Report, complete initial disclosures or state  
13 objections in a Rule 26(f) report, and file a Case Management Statement or other Civil Local  
14 Rule 16-9(a) Joint or Separate Case Management Statements will be extended from  
15 September 7, 2007 to September 28, 2007;

16 (c) the Initial Case Management Conference with the Court will be moved from  
17 September 18, 2007 to October 9, 2007 at 2 p.m.;

18 (8) This Stipulation and revisions to the schedule do not moot Yahoo!, Inc.'s Motion For An  
19 Early Case Management Conference And Order, and if the Court grants Yahoo!'s Motion and  
20 Yahoo!'s proposed case schedule is adopted, then:

21 (a) only defendants' "Phase I" briefs would be due 30 days following the date on which this  
22 Court adopts and issues the accompanying Order; and

23 (b) all of the obligations set forth in paragraph 7, above, except the obligation to meet and  
24 confer regarding ADR would be suspended until after "Phase II" is resolved;

25 (c) it should be noted, however, that plaintiffs have filed a written opposition to Yahoo!'s  
26 Motion For An Early Case Management Conference And Order and they oppose both  
27 Yahoo!'s Motion and the proposed case schedule in the subparagraphs 8(b) and 8(c) above;  
28

1 (9) The parties will continue to meet and confer regarding case management issues and  
2 Defendants' objections to Plaintiffs' Second Amended Complaint;

3 (10) The Parties reserve their right to seek further enlargements of time as may be required;

4 (11) Plaintiffs reserve their right to seek further amendments to the Second Amended  
5 Complaint; and

6 (12) This Stipulation does not a constitute an appearance or waiver of any defenses  
7 including but not limited to those contesting jurisdiction.

8 Respectfully submitted this 19th day of July, 2007,

9  
10 MORTON H. SKLAR  
11 THERESA HARRIS  
12 WORLD ORGANIZATION FOR HUMAN  
13 RIGHTS USA

14 By: /s/ Morton Sklar

15 Morton Sklar  
16 Attorney for Plaintiffs

17  
18 Local Counsel for Plaintiffs  
19 ROGER MYERS (S.B.#146164)  
20 HOLME ROBERTS & OWEN LLP  
21 560 Mission St., 25<sup>th</sup> Floor  
22 San Francisco, CA 94105  
23 Telephone: (415) 268-2000

24 DANIEL PETROCELLI, ESQ.  
25 O'MELVENY & MYERS LLP

26 By: /s/ Daniel Petrocelli

27 Daniel M. Petrocelli, Esq.  
28 Attorney for Defendant YAHOO!, INC.

JOSEPH P. CYR, ESQ.  
SCOTT REYNOLDS, ESQ.  
LOVELLS LLP

By: /s/ Scott Reynolds

Scott Reynolds, Esq.  
Attorneys for Defendant ALIBABA.COM,  
INC.

**ORDER [Proposed]**

PURSUANT TO THE ABOVE JOINT STIPULATION and the accompanying Notice Of Withdrawal Of Plaintiffs' Motion For Leave To File A Second Amended Complaint: (a) Plaintiffs' Motion For Leave To File A Second Amended Complaint is withdrawn; (b) Plaintiffs' Second Amended Complaint (filed with this Stipulation) is deemed filed; and (c) the case management schedule set forth in the parties Joint Stipulation is approved and hereby amended accordingly. It is hereby ORDERED.

SIGNED on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
The Honorable Claudia Wilken  
Judge, United States District Court  
for the Northern District of California

CC1:767278.1  
7/19/07

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