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Specially Appearing Defendant YAHOO!

7 HOLDINGS (HONG KONG), LTD.

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

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

13 Plaintiff,

14 v.

15 YAHOO!, INC., a Delaware Corporation,
YAHOO! HOLDINGS (HONG KONG),
16 LTD., a Foreign Subsidiary of Yahoo!,
ALIBABA.COM, INC. a Delaware
17 Corporation, AND OTHER PRESENTLY
UNNAMED AND TO BE IDENTIFIED
18 INDIVIDUAL EMPLOYEES OF SAID
CORPORATIONS,

19 Defendant.
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Case No. C07-02151 CW

**DEFENDANT YAHOO!, INC.'S MOTION
TO SHORTEN TIME ON ITS MOTION
FOR AN EARLY CASE MANAGEMENT
CONFERENCE AND ORDER;
PROPOSED ORDER**

Judge: Hon. Claudia Wilken

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C07-02151 CW
YAHOO!'S MOT. TO SHORTEN TIME ON
ITS MOT. FOR AN EARLY CMO

1 Pursuant to Civil Local Rules 6-1, 6-3, 7-1, and 7-11, 16-2(d) defendant Yahoo!, Inc.
2 (“Yahoo!”) moves for an order shortening the time on which its concurrently filed Motion For An
3 Early Case Management Conference And Order (“CMO Motion”) will be heard from July 26,
4 2007, at 2 p.m., to July 2, 2007, at a time to be set by the Court.

5 The reasons for these two requests are as follows:

- 6 • *First*, this complex case could greatly benefit from a case management order, for the
7 reasons set forth in Yahoo!’s CMO Motion. At least one defendant appears improperly
8 named; another is not subject to personal jurisdiction. These and other threshold issues
9 should be addressed in a “Phase I” of this case, while the Court seeks the input of the
10 political branches on policy questions that might affect the legal issues to be briefed in
11 Phase II, such as whether plaintiffs have stated cognizable claims under the Alien Tort
12 Statute and whether this case is justiciable.
- 13 • *Second*, a ruling made by the Court on July 2 could avoid substantial unnecessary work
14 in preparing responsive motions during the month of July and allow the parties to take full
15 advantage of the efficiencies to be realized by the proposed schedule. If the proposed
16 schedule is adopted on July 2, defendants can devote the month of July to briefing the
17 Phase I issues identified in the CMO Motion, and save work on the Phase II issues for
18 subsequent months. If the proposed schedule is rejected, defense counsel will need to
19 spend substantial time preparing argument on these potentially moot Phase II issues in
20 order to brief them by July 27, 2007, the current due date for all responsive pleadings and
21 motions.
- 22 • *Third*, if Yahoo!’s CMO Motion is heard on the normal time schedule, the motion will
23 be heard July 26, 2007—just one day before defendants’ responsive pleadings are due.
- 24 • *Fourth*, Yahoo! has tried to propose a shortened time schedule that affords plaintiffs
25 time to respond in writing to Yahoo!’s CMO motion, while also allowing Yahoo!’s lead
26 counsel, Daniel Petrocelli, to attend and participate. July 2, 2007 is the last day Daniel
27 Petrocelli is available before he leaves the country for a long-planned, three-week family
28 vacation.

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Alibaba.com, Inc. joins this motion. Plaintiffs oppose the relief sought for the reasons stated in Daniel Petrocelli's declaration accompanying this motion.

Yahoo! makes this motion without prejudice to its CMO Motion, which absent granting this request for shortened time is noticed to be heard July 26, 2007.

Dated: June 21, 2007

DANIEL M. PETROCELLI
MATTHEW T. KLINE
O'MELVENY & MYERS LLP

By: 

Daniel M. Petrocelli
Attorneys for Defendant
YAHOO!, 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
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v.

YAHOO!, INC., a Delaware Corporation,
YAHOO! HOLDINGS (HONG KONG),
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Case No. C07-02151 CW

**[PROPOSED] ORDER REGARDING
DEFENDANT YAHOO!, INC.'S MOTION
TO SHORTEN TIME ON ITS MOTION
FOR AN EARLY CASE MANAGEMENT
CONFERENCE AND ORDER**

Judge: Hon. Claudia Wilken

Having considered Defendant Yahoo!, Inc.'s Motion To Shorten Time On Its Motion For An Early Case Management Conference And Order, the declaration of Daniel M. Petrocelli filed in support thereof, the papers filed in response thereto, all other argument, and the entire record in this case, it is hereby ORDERED that Yahoo!'s Motion to Shorten Time is:

GRANTED _____, and the hearing on Defendant Yahoo!, Inc.'s Motion For An Early Case Management Conference and Order will be held, Monday, July 2, 2007, at _____.

DENIED _____.

SIGNED on the _____ day of _____, 2007.

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

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