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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14 craigslist, Inc., a Delaware corporation,
15 Plaintiff,

16 v.

17 Autoposterpro, Inc., PostingExperts, Inc.,
18 Roman Hossain, John Doe d/b/a
craigslistadsstore.com and
19 craigslistpromoting.com, and Does 2
through 25, inclusive,

20 Defendants.

21
22 craigslist, Inc., a Delaware corporation,
23 Plaintiff,

24 v.

25 Brad Johnson, Jake Carter, William
Mitchell, Roman Hossain, John Doe d/b/a
26 craigslistshop.com, and Does 2 through 25,
inclusive,

27 Defendants.

Case No. CV-08-05069 SBA, CV-08-05071 SBA

**STIPULATION AND [PROPOSED] ORDER
TO REOPEN AND CONSOLIDATE
ACTIONS FOR SETTLEMENT PURPOSES**

Dept: Courtroom 3, 3rd Floor
Before: Hon. Sandra Brown Armstrong

1 WHEREAS, on November 5, 2008, craigslist, Inc. (“craigslist”) filed *craigslist, Inc. v.*
2 *Autoposterpro, Inc., PostingExperts, Inc., John Doe d/b/a craigslistadsstore.com and*
3 *craigslistpromoting.com, and Does 2 through 25, inclusive* (Case No.: CV-08-05069 SBA)
4 (“Present Action”), for various causes of action based on their operation of the websites
5 autoposterpro.com, postingexperts.com, craigslistadsstore.com, and craigslistpromoting.com,
6 which provided auto-posting services in violation of craigslist’s terms of use.

7 WHEREAS, on February 2, 2009, craigslist, Inc. filed its First Amended Complaint,
8 naming Roman Hossain in the Present Action. Present Action DKT#19.

9 WHEREAS, on November 5, 2008, craigslist, Inc. filed *craigslist, Inc., a Delaware*
10 *corporation, v. Brad Johnson, Jake Carter, William Mitchell, John Doe d/b/a craigslistshop.com,*
11 *and Does 2 through 25, inclusive* (Case No.: CV-08 05071 SBA) (“Related Case”), for various
12 causes of action based on their operation of the craigslistshop.com website, which provided auto-
13 posting services in violation of craigslist’s terms of use.

14 WHEREAS, on February 5, 2009, craigslist, Inc. filed its First Amended Complaint,
15 naming Roman Hossain in the Related Case. Related Case DKT#12.

16 WHEREAS, on March 5, 2009, the Court ruled that the Present Action and the Related
17 Case were “Related Cases” pursuant to Local Rule 3-12(a), and re-assigned the Related Case to
18 this Court (DKT #25).

19 WHEREAS, the Present Action and the Related Case were set for a settlement conference
20 on February 23, 2010 before Magistrate Edward M. Chen.

21 WHEREAS, on February 9, 2010, the parties sent a joint letter to Magistrate Edward M.
22 Chen advising him that the parties had reached an agreement resolving the claims between them
23 and that they were in the process of obtaining client signatures on the settlement agreement.

24 WHEREAS, on February 10, 2010, the Court issued a Clerk’s Notice vacating the
25 February 23, 2010 settlement conference (DKT #45).

26 WHEREAS, the parties thereafter executed the settlement agreement, which resolves the
27 claims made in the Related Case and Present Action.

1 WHEREAS, the settlement agreement requires that the parties stipulate to consolidation
2 of the Related Case and Present Action.

3 WHEREAS, the settlement agreement requires that within three (3) business days of the
4 Court entering an Order consolidating the Related Case and Present Action, the parties shall
5 execute and assent to entry of a single Final Judgment on Consent and, thereafter, file the same
6 with the Court.

7 WHEREAS, the parties were in the process of finalizing this stipulation to consolidate the
8 Related Case and Present Action, when the Court entered an Order on April 1, 2010,
9 conditionally dismissing the Present Action (Dkt. #46) and the Related Case (DKT #38).

10 WHEREAS, the parties hereby stipulate to reopen and consolidate the Present Action and
11 Related Case for the purpose of filing the single Final Judgment on Consent, as provided by the
12 parties' settlement agreement.

13 WHEREAS, pursuant to Federal Rule of Civil Procedure 42, the Present Action and the
14 Related Case involve the same named Defendant and also involve common questions of law and
15 fact, including the same causes of action and very similar fact patterns.

16 WHEREAS, the parties agree that the Related Case should be consolidated with the
17 Present Action for the purpose of filing the single Final Judgment on Consent, as provided by the
18 parties' settlement agreement, and that all future filings shall be filed only in the Present Action.

19 WHEREAS, the parties agree that the complaint attached as Exhibit A to this Stipulation
20 ("Consolidated Complaint"), should be the operative complaint governing the consolidated
21 action.

22 WHEREAS, the parties agree that the Consolidated Complaint shall be deemed filed in
23 the Present Action as of the date of the execution of this Stipulation and [Proposed] Order by the
24 Court.

25 **IT IS SO STIPULATED.**

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DATED: April 12, 2010

PERKINS COIE LLP

By: /s/ Brian Hennessy
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Elizabeth L. McDougall (WA Bar No. 27026)
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Attorneys for Plaintiff
craigslist, Inc.

DATED: April 12, 2010

HYDE & SWIGART

By: /s/ Joshua B. Swigart
Joshua B. Swigart (SBN 225557)
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Attorneys for Defendant Roman Hossain

I, Brian Hennessy, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: April 12, 2010

PERKINS COIE LLP

By: /s/ Brian Hennessy
Brian Hennessy (SBN 226721)
BHennessy@perkinscoie.com

Attorneys for Plaintiff
craigslist, Inc.

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

The Present Action and Related Case are reopened.

The Related Case is consolidated with the Present Action for the purpose of filing the single Final Judgment on Consent, as provided by the parties' settlement agreement, and all future filings shall be filed only in the Present Action.

The Consolidated Complaint is the operative complaint governing the consolidated action.

1 The Consolidated Complaint shall be deemed filed in the Present Action as of the date of
2 the execution of this Order by the Court.

3 **Rationale of Decision**

4 Pursuant to Federal Rule of Civil Procedure 42, the Court finds that the Present Action
5 and Related Case involve common questions of law and fact, including the same named
6 Defendant, the same causes of action, and very similar fact patterns. Present Action DKT # 19;
7 Related Case DKT #12.

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9
10 Dated: 6/2/10



11 Honorable Sandra Brown Armstrong