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17 *Attorneys for Plaintiff, on behalf of himself and
 18 others similarly situated*

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA
 21 SAN FRANCISCO DIVISION

22 OSCAR MACIAS, on behalf of himself and
 23 others similarly situated,

24 Plaintiff,

25 v.

26 NETFLIX, INC. and WALMART.COM USA
 27 LLC,

28 Defendants.

) Civil Action No. CV 09 0961 (JCS)

) **STIPULATION FOR**
) **ENLARGEMENT OF TIME FOR**
) **DEFENDANT TO RESPOND TO**
) **PLAINTIFF'S COMPLAINT**

29 Pursuant to Local Civil Rule 6-1, Defendant Netflix, Inc. ("Defendants") and Plaintiff
 30 Oscar Macias, ("Plaintiff"), hereby stipulate:

31 WHEREAS, on or about February 2, 2009, Plaintiff filed the complaint in this action in
 32 Superior Court of the State of California, County of Santa Clara, which alleges violations under
 33 California's Cartwright Act, Cal. Bus. & Prof. Code §§ 16720, 16727;

34 WHEREAS, on March 5, 2009, Defendant Walmart.com USA LLC filed a Notice of
 35 Removal of Action to this Court;

1 WHEREAS, Plaintiff styled the action as a putative class action;

2 WHEREAS, Plaintiff and Defendant have agreed that Defendant's time to answer or
3 otherwise respond to this complaint will be extended to 30 days after such time as either: (1) the
4 Court decides whether this action was properly removed to this Court; or (2) this action is
5 consolidated with other cases that originated in California Superior Court, should Plaintiff decline
6 to seek remand.

7 WHEREAS, Plaintiff and Defendant agree that any extension agreed upon herein is
8 without prejudice to Defendant's right to seek additional enlargements of time as necessary;

9 WHEREAS, this stipulation shall not be taken as a waiver of any defenses that Defendant
10 may have to Plaintiff's Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure
11 or otherwise;

12 NOW, THEREFORE, Plaintiff and Defendant, by and through their respective attorneys of
13 record, stipulate that Defendant shall have from 30 days after such time as either: (1) the Court
14 decides whether this action was properly removed to this Court; or (2) this action is consolidated
15 with other cases that originated in California Superior Court, should Plaintiff decline to seek
16 remand, or other extension as contemplated above, to answer or otherwise respond.

17 Dated: March 12, 2009

18 Respectfully submitted,

19 WILSON SONSINI GOODRICH & ROSATI, P.C.

20 By: /s/ Jonathan M. Jacobson

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Attorneys for Defendant Netflix, Inc.

1 Stipulated and agreed this 12th day of March, 2009

2 By: /s/ Thomas M. Ferlauto (with permission)

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10 *others similarly situated*

11 Dated: March 13, 2009

