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10 Attorneys for Defendant  
 11 McAfee, Inc.

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

16 KENT H. ROBERTS

17 Plaintiff,

18 v.

19 McAfee, INC.,

20 Defendant.

Case No. CV-09-4303

**STIPULATION AND [PROPOSED]  
 ORDER ENLARGING TIME FOR  
 DEFENDANT MCAFEE, INC. TO FILE  
 MOTION FOR ATTORNEYS' FEES AND  
 COSTS**

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1 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff Kent Roberts  
2 (“Roberts”) and defendant McAfee, Inc. (“McAfee”), through their undersigned counsel of  
3 record, pursuant to Civil L.R. 6-2 as follows:

4 On March 8, 2010, the Court entered an order granting in part McAfee’s motion to strike  
5 Roberts’s complaint pursuant to California Code of Civil Procedure Section 425.16 (“Anti-  
6 SLAPP Motion”). McAfee has submitted a pleading stating that it intends to file a motion for  
7 attorneys’ fees and costs in connection with its Anti-SLAPP Motion. Pursuant to Federal Rule of  
8 Civil Procedure 54, McAfee’s deadline to file its motion for fees is March 22, 2010, 14 days  
9 following the Court’s order granting in part the Anti-SLAPP Motion.

10 The parties seek to enlarge by two weeks the time in which McAfee must file its motion  
11 for fees. This two-week extension will permit McAfee to file its motion for fees on or before  
12 April 5, 2010. As set forth in the accompanying Declaration of Kenneth P. Herzinger in Support  
13 of this Stipulation and [Proposed] Order, Roberts requested this two-week extension in order to  
14 have adequate time to assess McAfee’s claim of entitlement to attorneys’ fees in connection with  
15 the Anti-SLAPP Motion and to give the parties additional time to meet and confer regarding  
16 McAfee’s motion for fees.

17 Extending the foregoing deadline will have no additional impact on the schedule for the  
18 case as no other deadlines need rescheduling at this time. Accordingly, the parties stipulate to  
19 extend the deadline as set forth above, and respectfully request that the Court so order.

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1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

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3 Dated: March 19, 2010

ORRICK, HERRINGTON & SUTCLIFFE LLP

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*/s/ Kenneth P. Herzinger*

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LYNNE C. HERMLE  
KENNETH P. HERZINGER  
BROOKE D. ARENA  
Attorneys for Defendant  
McAfee, Inc.

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11 Dated: March 19, 2010

GILLESPIE, ROZEN & WATSKY P.C.

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*/s/ Hal S. Gillespie*

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HAL K. GILLESPIE  
JAMES D. SANFORD  
TIFFANY C. ALVOID  
Attorneys for Plaintiff  
Kent Roberts

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**ORDER**

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**FOR GOOD CAUSE SHOWN AND PURSUANT TO STIPULATION, IT IS SO**

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**ORDERED.**

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Dated: March 23, 2010

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