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19 **ATTORNEYS FOR PLAINTIFF**

20 **UNITED STATES DISTRICT COURT FOR THE**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **OAKLAND DIVISION**

23 KENT H. ROBERTS,) Case No.: C-09-4303-PJH
24)
25 *Plaintiff,*) **STIPULATION AND [PROPOSED]**
26 v.) **ORDER CONTINUING THE HEARING**
27) **OF MCAFEE'S MOTION FOR**
28) **ATTORNEY'S FEES AND APPELLATE**
) **COST BOND**
)
)
)

1 IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff Kent H.
2 Roberts ("Roberts") and defendant McAfee, Inc. ("McAfee"), through their undersigned counsel
3 of record, under Civil Local Rule 6-2, as follows:

4 On April 5, 2010, McAfee, Inc. filed a motion claiming that it incurred \$349,842.60 in
5 attorney's fees related to its Anti-SLAPP motion (Doc. No. 73). Its motion seeks an award of
6 \$174,921.30 in fees and additionally an order requiring Plaintiff to post a bond for attorney's
7 fees and costs on appeal in the amount of \$150,000. McAfee noticed its motion for hearing on
8 the Court's civil docket on May 12, 2010 at 9:00 a.m. Plaintiff intends to oppose the motion and,
9 under Local Rule 7-3, his response is due on or before April 21, 2010. McAfee may file a reply
10 by no later than April 28, 2010.
11

12 The parties seek to continue the hearing from May 12, 2010 to June 2, 2010 and to modify
13 the briefing schedule in accordance with Civil Local Rule 7-7. As set forth in the declaration of
14 Hal K. Gillespie in support of Plaintiff's administrative Motion to Continue the Hearing of
15 McAfee's Motion for Attorney's Fees and Appellate Cost Bond (Doc. No. 79 ¶ 4), Plaintiff's
16 lead counsel is scheduled for trial in the week of May 10, 2010 and is therefore unable to attend
17 the May 12, 2010 hearing and argue Plaintiff's opposition. Both parties and their counsel are
18 available for a hearing on June 2, 2010. A June 2, 2010 hearing date resets the date of Plaintiff's
19 opposition to May 12, 2010 and McAfee's reply to May 19, 2010.
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21 Continuing the hearing and extending the briefing schedule will have no additional impact
22 on the case's schedule as no other deadlines need rescheduling at this time. Accordingly, the
23 parties stipulate to moving the hearing of McAfee's Motion for Attorney's Fees and Appellate
24 Cost Bond from May 12, 2010 to June 2, 2010 at 9:00 a.m., with corresponding modification to
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STIPULATION AND [PROPOSED] ORDER
CONTINUING THE HEARING OF MCAFEE'S MOTION
FOR ATTORNEY'S FEES AND APPELLATE COST BOND
- CV - 09-4303-PJH

1 the briefing schedule in accordance with Civil Local Rule 7-7, and respectfully request that the
2 Court so order.

3 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD:
4

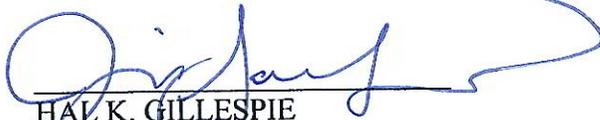
5 Dated: April 20, 2010

ORRICK, HERRINGTON & STUCLIFFE LLP



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Attorneys for Defendant McAfee, Inc.

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12
13 

Dated: April 20, 2010

14 HAL K. GILLESPIE
15 JAMES D. SANFORD
16 TIFFANY C. ALVOID
17 Attorneys for Plaintiff Kent H. Roberts

18
19 **ORDER**

20 **FOR GOOD CAUSE SHOWN AND PURSUANT TO STIPULATION, IT IS SO**
21 **ORDERED.**

22 Dated: April 21, 2010

23 Hon. Phyllis
24 United States



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28 STIPULATION AND [PROPOSED] ORDER
CONTINUING THE HEARING OF MCAFEE'S MOTION
FOR ATTORNEY'S FEES AND APPELLATE COST BOND
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