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6 Attorneys for Defendant
 7 PAYPAL, INC.

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND BRANCH**

11 DEVINDA FERNANDO, VADIM TSIGEL,)
 12 MICHAEL ZINGER, AMY RICKEL, FRED)
 13 RICKEL, IRA GILMAN, LACY)
 REINTSMA, and SHAUL BEHR on behalf)
 14 of themselves and all others similarly)
 situated,)
 15)
 Plaintiffs,)
 16)
 v.)
 17 PAYPAL, INC., a Delaware Corporation,)
 18)
 Defendant.)
 19)
 20)
 21)

Case No. 10-CV-01668 SBA
**STIPULATION AND [PROPOSED]
 ORDER VACATING HEARING DATES
 ON: (1) DEFENDANT'S MOTION TO
 DISMISS FIRST AMENDED
 COMPLAINT FOR FAILURE TO
 STATE A CLAIM; AND (2)
 PLAINTIFFS' MOTION TO
 CONSOLIDATE CASE AND APPOINT
 LEAD COUNSEL FOR THE CLASS**
 Action Filed: June 7, 2010
 [Declaration of David W. Moon filed
 concurrently]
 [Related Action: Zepeda v. PayPal, Inc.,
 Case No. 10-CV-02500 SBA]

STIPULATION AND [PROPOSED] ORDER VACATING HEARING DATES
 (CASE NO. 10-CV-00168 SBA)

1 Plaintiffs Devinda Fernando, Vadim Tsigel, Michail Zinger, Amy Rickel, Fred Rickel, Ira
2 Gilman, Lacy Reinstma and Shaul Behr (together "Plaintiffs") and defendant PayPal, Inc.
3 ("Defendant") hereby submit this Stipulation for an Order vacating the hearing dates set by the
4 Court in connection with: (1) Defendant's Motion to Dismiss First Amended Complaint for Failure
5 to State a Claim; and (2) Plaintiffs' Motion to Consolidate Cases and Appoint Lead Counsel for the
6 Class.

7 WHEREAS, on March 22, 2011, Plaintiffs filed the First Amended Complaint in this
8 action;

9 WHEREAS, on June 27, 2011, Defendant filed its Motion to Dismiss First Amended
10 Complaint for Failure to State a Claim (the "Motion to Dismiss");

11 WHEREAS, on October 3, 2011 Plaintiffs filed their Motion to Consolidate Case and
12 Appoint Lead Counsel for the Class (the "Motion to Consolidate");

13 WHEREAS, the Motion to Dismiss and the Motion to Consolidate are scheduled to be
14 heard before this Court on February 14, 2012;

15 WHEREAS, the parties have reached a tentative resolution of Plaintiffs' claims, obviating a
16 need for the Court to rule on the Motion to Dismiss and the Motion to Consolidate;

17 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel
18 of record, that any opposition and reply dates in connection with the Motion to Dismiss and the
19 Motion to Consolidate be vacated;

20 IT IS FURTHER STIPULATED by and between the parties, through their respective
21 counsel of record, that the hearings on the Motion to Dismiss and the Motion to Consolidate
22 currently set for February 14, 2012 be taken off the Court's calendar.

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STROOCK & STROOCK & LAVAN LLP
2029 Century Park East
Los Angeles, California 90067-3086

~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 1/20/12


HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that, on January 18, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. The Court or the CM/ECF system will send notification of such filings to all CM/ECF participants.

/s/ David W. Moon

David W. Moon

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