

1 David E. Bower (SBN 119546)
2 FARUQI & FARUQI, LLP
3 10866 Wilshire Boulevard, Suite 1470
4 Los Angeles, CA 90024
5 Tel: (424) 256-2884
6 Fax: (424) 256-2885
7 dbower@faruqilaw.com

8 Joseph T Lukens
9 Richard D. Schwartz
10 FARUQI & FARUQI, LLP
11 101 Greenwood Avenue Suite 600
12 Jenkintown, PA 19046
13 Tel: (215) 577-5770
14 Fax: (215) 577-5771
15 jlukens@faruqilaw.com
16 rschwartz@faruqilaw.com

17 Attorneys for Plaintiff

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**

20 Brent Maness, individually and on behalf
21 of others similarly situated,

22 Plaintiff,

23 v.

24 Expedia, Inc., et al.,

25 Defendants.

Civil Case 4:12-cv-05220-DMR

CLASS ACTION

STIPULATION

26 WHEREAS, Plaintiffs filed the Complaint in this litigation on October 9, 2012;
27 WHEREAS, all of the Defendants have agreed to waive service of the Complaint;
28 WHEREAS, a number of substantially similar complaints have been filed nationwide;
WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed
before the Judicial Panel on Multi-District Litigation (“JPML”) to coordinate and/or consolidate
all of the actions in one court;

1 WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,
2 2012, and the parties expect that the JPML will issue a decision on the motion within a few
3 weeks after the hearing;¹

4 WHEREAS, Plaintiffs and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com
5 LP, Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com (USA), Inc.,
6 Booking.com B.V., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts
7 Worldwide, Inc., Marriott International, Inc., Trump International Hotels Management, LLC,
8 Kimpton Hotel & Restaurant Group, LLC, and InterContinental Hotels Group Resources, Inc.
9 (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated
10 before one court;

11 WHEREAS, Plaintiffs and Defendants wish to preserve the parties’ and the Court’s
12 resources and efficiently manage the litigation so as not to cause prejudice;

13 NOW THEREFORE, the parties agree as follows:

14 1. Defendants will not be required to answer or otherwise plead in response to the
15 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §
16 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be
17 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file
18 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the
19 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer
20 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this
21 action. No discovery shall be served in the above-captioned matter while this stipulation is in
22 effect;

23 2. In the event that Defendants voluntarily file or are ordered to file a responsive
24 pleading in any other related action prior to the JPML’s decision, Defendants agree that this
25 stipulation will become void and in that event, all of the parties agree to negotiate in good faith
26

27 ¹ John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242
28 n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the
Chair has finalized and approved each written opinion pertaining to that session”).

1 regarding a responsive pleading date.

2
3 3. If this Court is the transferee court, Defendants agree that they will engage in a
4 conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead
5 counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407
6 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P.
7 26(f) with Plaintiffs within 14 days of the denial of the motion.

8 DATED: October 31, 2012

9 FOR PLAINTIFFS:

10 By: /s/ David E. Bower
11 David E. Bower (SBN 119546)
12 FARUQI & FARUQI, LLP
13 10866 Wilshire Boulevard, Suite 1470
14 Los Angeles, CA 90024
15 Tel: (424) 256-2884
16 Fax: (424) 256-2885
17 dbower@faruqilaw.com

18 Joseph T Lukens
19 Richard D. Schwartz
20 FARUQI & FARUQI, LLP
21 101 Greenwood Avenue Suite 600
22 Jenkintown, PA 19046
23 Tel: (215) 577-5770
24 Fax: (215) 577-5771
25 jlukens@faruqilaw.com
26 rschwartz@faruqilaw.com

27 Attorneys for Plaintiffs

FOR DEFENDANTS:

By: /s/ Emily Johnson Henn
Emily Johnson Henn (SBN 269482)
COVINGTON & BURLING LLP
333 Twin Dolphin Dr., Suite 700
Redwood Shores, CA 94065
Telephone: (650) 632-4700
Facsimile: (650) 632-4800
ehenn@cov.com

Attorneys for Defendants
Expedia, Inc. and Hotels.com LP

By: /s/ George S. Cary
George S. Cary (SBN 73858)
Steven J. Kaiser
CLEARY GOTTLIEB STEEN &
HAMILTON LLP
2000 Pennsylvania Avenue, NW
Washington, D.C. 20006
New York, NY 10017
Telephone: (212) 974-1554
Facsimile: (212) 974-1999
gcary@cgsh.com
skaiser@cgsh.com

Attorneys for Defendants
Travelocity.com LP and Sabre Holdings
Corporation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Kevin J. Arquit
Kevin J. Arquit
SIMPSON THACHER & BARTLETT
LLP
425 Lexington Avenue
New York, NY 10017
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
karquit@stblaw.com

Attorneys for Defendants
Priceline.com Incorporated,
Booking.com (USA), Inc., and
Booking.com B.V.

By: /s/ Christopher S. Yates
Christopher S. Yates (SBN 161273)
Daniel M. Wall
Brendan A. McShane
Jason L. Daniels
LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 391-0600
Facsimile: (415) 395-8095
chris.yates@lw.com
dan.wall@lw.com
brendan.mcshane@lw.com
jason.daniels@lw.com

Attorneys for Defendant
Orbitz Worldwide, Inc.

By: /s/ Steven A. Newborn
Steven A. Newborn
Carrie M. Anderson
Daniel E. Antalics (SBN 276488)
WEIL, GOTSHAL & MANGES LLP
1300 Eye Street, N.W., Suite 900
Washington, D.C. 20005
Telephone: (202) 682-7000
Facsimile: (202) 857-0940
steven.newborn@weil.com

Of Counsel:
James C. Egan, Jr.

Attorneys for Defendant
Hilton Worldwide, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Christopher J. Kelly
Christopher J. Kelly (SBN 276312)
MAYER BROWN LLP
Two Palo Alto Square, Suite 300
3000 El Camino Real
Palo Alto, CA 94306-2112
Telephone: (650) 331-2000
Facsimile: (650) 331-2061
cjkelly@mayerbrown.com

Robert E. Bloch
Richard Ben-Veniste
MAYER BROWN LLP
1999 K Street, N.W.
Washington, D.C. 20006
Telephone: (202) 263-3203
Facsimile: (202) 263-5203
rbloch@mayerbrown.com
rben-veniste@mayerbrown.com

Attorneys for Defendant
Starwood Hotels & Resorts Worldwide,
Inc.

By: /s/ Jeffrey Kilduff
Jeffrey Kilduff
Ian Simmons
Katrina M. Robson (SBN 229835)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, D.C. 20006
Telephone: (202) 383-5300
Facsimile: (202) 383-5414
jkilduff@omm.com
isimmons@omm.com
krobson@omm.com

Attorneys for Defendant
Marriott International, Inc.

By: /s/ Francis J. Burke, Jr.
Francis J. Burke, Jr. (SBN 75970)
SEYFARTH SHAW LLP
One Century Plaza
2029 Century Park East, Suite 3500
Los Angeles, CA 90067-3021
Telephone: (310) 201-5214
Facsimile: (310) 282-6993
fburke@seyfarth.com

Attorney for Defendant
Trump International Hotels
Management, LLC

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

By: /s/ Marie L. Fiala
Marie L. Fiala (SBN 79676)
Ryan M. Sandrock (SBN 251781)
SIDLEY AUSTIN LLP
555 California Street
San Francisco, CA 94104
Telephone: (415) 772-1200
Facsimile: (415) 772-7400
mfiala@sidley.com
rsandrock@sidley.com

Attorneys for Defendant
Kimpton Hotel & Restaurant Group, LLC

By: /s/ Timothy T. Scott
Timothy T. Scott (SBN 126971)
Leo Spooner III (SBN 241541)
KING & SPALDING LLP
333 Twin Dolphin Drive, Suite 400
Redwood Shores, CA 94065
Telephone: (650) 590-0700
Facsimile: (650) 590-1900
tscott@kslaw.com
lspooner@kslaw.com

Jeffrey S. Cashdan
Christine A. Hopkinson
Sarah E. Statz
KING & SPALDING LLP
1180 Peachtree Street, N.E.
Atlanta, GA 30309
Telephone: (404) 572-4600
Facsimile: (404) 572-5100
jcashdan@kslaw.com
chopkinson@kslaw.com
sstatz@kslaw.com

Attorneys for Defendant
InterContinental Hotels Group Resources,
Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Nov. 6, 2012



THE HONORABLE DONNA M. RYU
United States Magistrate Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on November 1, 2012, I electronically filed the foregoing document
3 using the CM/ECF system which will send notification of such filing to the e-mail addresses
4 registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby
5 certify that I have caused to be mailed a paper copy of the foregoing document via the United
6 States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List
7 generated by the CM/ECF system. I also emailed this document to all parties who's emails are
8 indicated on this Stipulation, above.
9

10 */s/ David E Bower*

11 David E. Bower
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Mailing Information for a Case 4:12-cv-05220-DMR

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **David Eldridge Bower**

dbower@faruqilaw.com,ecf@faruqilaw.com,mblackman@faruqilaw.com,ecfca@faruqilaw.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)