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 Attorneys for Defendants
 9 Netflix, Inc., Reed Hastings,
 and David Wells

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

15	JAMES ZIOLKOWSKI, Individually and On)	CASE NO.: 4:17-CV-01070-HSG
	Behalf of All Other Persons Similarly Situated,)	
16)	<u>CLASS ACTION</u>
	Plaintiff,)	
17)	STIPULATED REQUEST AND
	v.)	ORDER REGARDING
18)	DEFENDANTS' TIME TO
	NETFLIX, INC., REED HASTINGS, and)	RESPOND TO COMPLAINT AND
19	DAVID WELLS,)	TO CONTINUE THE INITIAL
)	CASE MANAGEMENT
20	Defendants.)	CONFERENCE
21)	

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1 Defendants Netflix, Inc., Reed Hastings, and David Wells (collectively, “Defendants”),
2 by and through their counsel, and plaintiff James Ziolkowski, individually and behalf of all
3 others similarly situated (“Plaintiff”), by and through his counsel, hereby stipulate to the
4 following:

5 WHEREAS, on March 1, 2017, Plaintiff filed a putative class action complaint (the
6 “Complaint”) against Defendants alleging violations of Sections 10(b) and 20(a) of the Securities
7 Exchange Act of 1934 (“Exchange Act”) and Securities and Exchange Commission Rule 10b-5
8 promulgated thereunder;

9 WHEREAS, on March 2, 2017 the Court issued an Order setting the deadline for the
10 filing of a Case Management Statement as May 23, 2017 and scheduling the Joint Case
11 Management Conference for May 30, 2017;

12 WHEREAS, this action is subject to the provisions of the Private Securities Litigation
13 Reform Action of 1995 (“PSLRA”), 15 U.S.C. § 78u-4 *et seq.*, which, *inter alia*, requires the
14 Court to appoint a lead plaintiff to oversee the litigation and to approve the lead plaintiff’s
15 selection of lead counsel;

16 WHEREAS, motions for appointment as lead plaintiff are due on May 1, 2017;

17 WHEREAS, the hearing on any motions for appointment as lead plaintiff will be after the
18 current due date for Defendants’ response to the Complaint (May 15, 2017) and after the current
19 deadline for filing a Case Management Statement (May 23, 2017);

20 WHEREAS, the parties anticipate that the Court-appointed lead plaintiff will file a
21 consolidated or amended complaint that will supersede the existing Complaint and any later-filed
22 complaint(s);

23 WHEREAS, Defendants presently intend to file a motion to dismiss, which would trigger
24 a stay of discovery under the PSLRA, 15 U.S.C. § 78u-4(b)(3)(B);

25 WHEREAS, in order to avoid the unnecessary expenditure of judicial resources or effort
26 by the parties and the Court prior to the appointment of a lead plaintiff and the filing of the
27 anticipated amended complaint, the parties have agreed, subject to the Court’s approval, to the
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1 continuance of the initial case management conference and an extension of time for Defendants
2 to respond to the current Complaint; and

3 WHEREAS, this Stipulation and [Proposed] Order is without prejudice to, or waiver of,
4 any rights, arguments, or defenses otherwise available to the parties to this action, including, but
5 not limited to the right to revisit the timing of the below-referenced pleadings and motions once
6 lead counsel has been designated by the Court.

7 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and respectfully
8 requested, by and among the parties hereto, through their undersigned counsel of record, that the
9 Court order as follows:

10 1. Defendants shall not be required to respond to the Complaint filed in the above-
11 captioned action until after the appointment of a lead plaintiff pursuant to 15 U.S.C. § 78u-
12 4(a)(3)(B) and after the filing by such lead plaintiff of a consolidated or amended complaint or
13 the designation of an operative complaint. Pursuant to Local Rule 6-1(a) this paragraph shall be
14 effective upon the filing of this Stipulation with the Court.

15 2. Following the appointment of a lead plaintiff, Defendants shall meet and confer
16 with the court-appointed lead plaintiff regarding a schedule for the filing of an amended
17 complaint and the filing of Defendants' response thereto.

18 3. The deadline for submission of a Case Management Statement is extended and the
19 Case Management Conference is continued until such time following the filing of Defendants'
20 response to the consolidated or amended complaint designated by the court-appointed lead
21 plaintiff, on a date to be selected by the Court.

22 **IT IS SO STIPULATED.**

23
24 Dated: April 26, 2017

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

25
26 By: s/ Rodney G. Strickland
Attorneys for Defendants

1 Dated: April 26, 2017

KAHN, SWICK & FOTI, LLP

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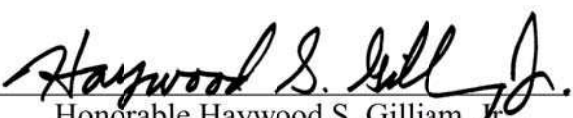
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Attorneys for Plaintiff

Order

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 26, 2017


Honorable Haywood S. Gilliam, Jr.
United States District Judge

ATTESTATION (CIVIL LOCAL RULE 5-1(i)(3))

In accordance with Civil Local Rule 5-1(i)(3), I attest that Ramzi Abadou concurred in the filing of this document.

Dated: April 26, 2017

s/ Rodney G. Strickland
Rodney G. Strickland