

Ramzi Abadou (SBN 222567)
ramzi.abadou@ksfcounsel.com
KAHN SWICK & FOTI, LLP
912 Cole Street, # 251
San Francisco, California 94117
Telephone: (504) 455-1400
Facsimile: (504) 455-1498

Jeffrey R. Krinsk (SBN 109234)
jrk@classactionlaw.com
David J. Harris, Jr. (SBN 286204)
djh@classactionlaw.com
FINKELSTEIN & KRINSK LLP
550 West C Street, Suite 1760
San Diego, California 92101
Telephone: (619) 238-1333
Facsimile: (619) 238-5425

Co-Lead Counsel for Lead Plaintiff
Michael DuDash and the Class
[Additional counsel on signature page]

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

JAMES ZIOLKOWSKI, Individually and On)	
Behalf of All Others Similarly Situated,)	No. 4:17-cv-01070-HSG
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	JURY TRIAL DEMANDED
vs.)	
)	STIPULATED REQUEST AND [PROPOSED]
NETFLIX, INC., REED HASTINGS, and)	ORDER GRANTING LEAD PLAINTIFF'S
DAVID WELLS,)	MOTION FOR ADMINISTRATIVE RELIEF
Defendants.)	AND LEAVE TO SUBMIT STATEMENT OF
)	RECENT DECISION
)	
)	Judge: Hon. Haywood S. Gilliam, Jr.
)	
)	
)	
)	
)	
)	
)	

1 Lead Plaintiff Michael J. DuDash (“Lead Plaintiff”) by and through his counsel, and
2 Defendants Netflix, Inc., Reed Hastings, and David Wells (collectively, “Defendants”), by and
3 through their counsel, hereby stipulate to the following:

4 WHEREAS, on August 13, 2018 the Ninth Circuit Court of Appeals issued a published
5 opinion in *Khoja v. Orexigen Therapeutics, Inc.*, No. 16-56069 (hereinafter “*Orexigen*”);

6 WHEREAS, Lead Plaintiff believes the *Orexigen* opinion is relevant to issues presented in
7 Defendants’ Motion to Dismiss the Amended Complaint (ECF No. 34) and Request for Judicial
8 Notice and Notice of Incorporation by Reference (ECF No. 36), and Lead Plaintiff’s Request for
9 Judicial Notice (ECF No. 48), which are pending before this Court;

10 WHEREAS, Lead Plaintiff moves this Court for Administrative Relief Pursuant Local Rule
11 7-11 for leave to file the *Orexigen* opinion as a Statement of Recent Decision (the “Motion”);

12 WHEREAS, the parties have agreed, subject to the Court’s approval, that Lead Plaintiff
13 may seek leave to bring the *Orexigen* opinion to the attention of this Court pursuant to Local Rule
14 7-3(d).

15 **IT IS SO STIPULATED.**

16
17 DATED: August 16, 2018

KAHN, SWICK & FOTI, LLP

18 /s/ Ramzi Abadou
19 Ramzi Abadou (SBN 222567)
20 912 Cole Street # 251
21 San Francisco, CA 94117
22 Telephone: (504) 455-1400
23 Facsimile: (504) 455-1498
24 ramzi.abadou@ksfcounsel.com

25 -and-

26 **KAHN SWICK & FOTI, LLC**
27 Lewis Kahn (admitted *pro hac vice*)
28 lewis.kahn@ksfcounsel.com
Alexander L. Burns (admitted *pro hac vice*)
alexander.burns@ksfcounsel.com
Alayne Gobeille (admitted *pro hac vice*)
alayne.gobeille@ksfcounsel.com
1100 Poydras Street, Suite 3200

New Orleans, LA 70163
Telephone: (504) 455-1400
Facsimile: (504) 455-1498

FINKELSTEIN & KRINSK LLP
Jeffrey R. Krinsk (SBN 109234)
jrk@classactionlaw.com
David J. Harris, Jr. (SBN 286204)
djh@classactionlaw.com
Trenton R. Kashima (SBN 291405)
trk@classactionlaw.com

550 West C Street, Suite 1760
San Diego, CA 92101
Telephone: (619) 238-1333
Facsimile: (619) 238-5425

*Co-Lead Counsel for Lead Plaintiff
Michael DuDash and the Class*

DATED: August 16, 2018

**WILSON SONSINI GOODRICH &
ROSATI, Professional Corporation**

/s/ Keith Eggleton
Keith Eggleton (SBN 159842)
keggleton@wsgr.com
Rodney G. Strickland (SBN 161934)
rstrickland@wsgr.com
Cheryl W. Fount (SBN 108868)
cfount@wsgr.com
Luke A. Liss (SBN 247520)
lliss@wsgr.com
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
Facsimile: (650) 565-5100

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

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

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

5 Dated: August 16, 2018

6 /s/ Ramzi Abadou

7 Ramzi Abadou
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION:

1. Mr. DuDash's Motion is GRANTED; and
2. The Statement of Recent Decision shall be filed into the record and considered in connection with Defendants' Motion to Dismiss and Request for Judicial Notice and Notice of Incorporation by Reference, and Lead Plaintiff's Request for Judicial Notice (ECF Nos. 34, 36 and 48).

IT IS SO ORDERED.

DATED: August 17, 2018


HONORABLE HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT JUDGE