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10 *Attorneys for Nominal Defendant Facebook, Inc., and*
 11 *for Defendants Mark Zuckerberg, Sheryl Sandberg,*
Marc Andreessen, Peter Thiel, Reed Hastings, Erskine
 12 *Bowles, Susan Desmond-Hellmann, and Jan Koum*

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

15
 16 IN RE FACEBOOK, INC. SHAREHOLDER
 17 DERIVATIVE PRIVACY LITIGATION

18 This Document Relates To:
 19 ALL ACTIONS

LEAD CASE NO. 4:18-CV-01792-HSG
**STIPULATION REGARDING BRIEFING
 SCHEDULE FOR FACEBOOK’S MOTION
 FOR PERMANENT INJUNCTION OF
 STATE PROCEEDINGS; ORDER**

Date First Action Filed: March 22, 2018

1 WHEREAS, on June 28, 2019, Plaintiff John O'Connor ("O'Connor") filed a complaint in the
2 action captioned *O'Connor v. Zuckerberg*, Case No. 19-CIV-03759, in the Superior Court of the State
3 of California for the County of San Mateo (the "O'Connor Action"), which is a derivative action
4 purportedly brought on behalf of Nominal Defendant Facebook, Inc. ("Facebook") against the
5 members of Facebook's Board of Directors relating to purported user privacy issues;
6

7 WHEREAS, on August 1, 2019, Facebook filed in this action a motion to enjoin the O'Connor
8 Action pursuant to the relitigation exception to the Anti-Injunction Act (ECF No. 124 (the "Injunction
9 Motion"));

10 WHEREAS, the hearing on the Injunction Motion is set for January 9, 2020;

11 WHEREAS, the parties in this action and the O'Connor Action wish to enter into a schedule
12 for briefing the Injunction Motion;

13 WHEREAS, on August 12, 2019, Facebook filed in the O'Connor Action a motion to stay that
14 proceeding pending this Court's ruling on the Injunction Motion, which is scheduled to be heard on
15 October 1, 2019; and
16

17 WHEREAS, the parties wish to reserve all of their respective rights and defenses, including
18 Facebook's right to move to shorten the time to brief and/or hear the Injunction Motion following a
19 decision in the O'Connor Action on Facebook's motion to stay, and the right of the Plaintiffs in this
20 action (the "Federal Plaintiffs") to oppose such a motion.
21

22 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Facebook,
23 Federal Plaintiffs, and O'Connor, through their designated counsel of record, and subject to approval
24 of the Court, as follows:

- 25 1. The deadline to file any opposition to the Injunction Motion shall be extended from August 15,
26 2019 to September 20, 2019.
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- 1 2. The deadline to file any reply in further support of the Injunction Motion shall be extended from
2 August 22, 2019 to October 15, 2019.
- 3 3. Notwithstanding this stipulation, the parties' rights are expressly reserved, including
4 Facebook's right to move to shorten the time to brief and/or hear the Injunction Motion
5 following a decision in the O'Connor Action on Facebook's motion to stay, and the Federal
6 Plaintiffs' right to oppose such a motion.
- 7
8 4. The parties further agree that Mr. O'Connor is appearing specially in this action for the purpose
9 of opposing this motion, and that his appearance will not be used against him in any fashion.

10
11 Dated: August 13, 2019

GIBSON, DUNN & CRUTCHER LLP

12
13 By: /s/ Brian M. Lutz
14 Brian M. Lutz

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20 *and for Defendants Mark Zuckerberg, Sheryl*
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22 *Hastings, Erskine Bowles, Susan Desmond-*
23 *Hellmann, and Jan Koum*

24 Dated: August 13, 2019

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Lead Counsel for Federal Plaintiffs

1 Dated: August 13, 2019

SAVERI & SAVERI, INC.

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9 *Attorneys for Plaintiff John O'Connor*


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11 ** Pursuant to Civ. L.R. 5-1(i)(3), the electronic filer
12 has obtained approval from this signatory.

13 * * *

14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 DATED: 8/14/2019

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