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\*\*E-Filed 2/18/2010\*\*

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 8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 ANDREW KNOPF

Case No. C-08-03658 JF (PVT)

13 Plaintiff,

14 v.

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING HEARING ON  
 DEFENDANTS' MOTION TO DISMISS  
 AND EXTENDING TIME TO FILE  
 REPLY BRIEF**

15 TERRY SEMEL, MICHAEL J. CALLAHAN,  
 JERRY YANG, ROY J. BOSTOCK, RONALD  
 16 W. BURKLE, ERIC HIPPEAU, VYOMESH  
 JOSHI, ARTHUR H. KERN, ROBERT A.  
 17 KOTICK, EDWARD R. KOZEL, GARY L.  
 WILSON, and MAGGIE WILDEROTTER

18 Defendants

19 v.

20 YAHOO! INC., a Delaware corporation,

21 Nominal Defendant

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 28 STIP. AND PROPOSED ORDER CONTINUING HEARING AND EXTENDING TIME TO FILE  
 Case No. C-08-03658 JF (PVT)

1 Pursuant to Civil Local Rules 6-1, 6-2, 7-7, and 7-12, the parties, by and through their  
2 respective counsel, respectfully request that the Court grant, in the form of an Order, the parties'  
3 stipulated request to continue the hearing on Defendants' Motion to Dismiss Plaintiff's First  
4 Amended Complaint (the "Motion to Dismiss") and extending Defendants' time to file their reply  
5 brief. In support of this stipulated request, the parties state as follows:

6 WHEREAS, Defendants filed their motion to dismiss (the "Motion to Dismiss") on December  
7 11, 2009 and noticed a hearing on that Motion to Dismiss for March 5, 2010;

8 WHEREAS, Plaintiff's counsel filed an opposition to the Motion to Dismiss on January 21,  
9 2010 and Defendants' reply brief is currently due on February 19, 2010;

10 WHEREAS, Plaintiff's counsel is now scheduled to appear in San Diego for oral argument  
11 before the Ninth Circuit on the afternoon of March 4, 2010, making it difficult for Plaintiff's counsel  
12 to travel to and prepare for a hearing on the Motion to Dismiss before this Court at 9 a.m. the next  
13 day;

14 WHEREAS, Plaintiff's counsel requested, and Defendants' counsel agreed, to continue the  
15 date of the hearing on the Motion to Dismiss to March 12, 2010 and extend by a week Defendants'  
16 time to file their reply brief;

17 WHEREAS, Plaintiff's counsel contacted chambers and confirmed that March 12, 2010 was a  
18 convenient date for the Court;

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27 STIP. AND PROPOSED ORDER CONTINUING HEARING AND EXTENDING TIME TO FILE  
28 Case No. C-08-03658 JF (PVT)

1 NOW THEREFORE, the parties hereby stipulate that the hearing date on the Motion to  
2 Dismiss is continued until March 12, 2010.<sup>1</sup>

3 The parties further stipulate, and respectfully request that the Court enter an Order, that  
4 Defendants' time to file their reply brief is extended through and until February 26, 2010.

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8 Dated: February 11, 2010

JORDAN ETH  
ANNA ERICKSON WHITE  
RACHAEL CLARKE  
MORRISON & FOERSTER<sub>LLP</sub>

By: /s/ Anna Erickson White  
Anna Erickson White  
Attorneys for Defendants


12 Dated: February 11, 2010

JORDAN L. LURIE  
LEIGH A. PARKER  
ZEV B. ZYSMAN  
JOEL E. ELKINS  
WEISS & LURIE

By: /s/ Leigh A. Parker  
Leigh A. Parker  
Attorneys for Plaintiff

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: 2/18/2010

  
\_\_\_\_\_  
Honorable Jeremy Fogel  
United States District Judge

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25 <sup>1</sup> Filed concurrently herewith is a Notice of Continuance.

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**GENERAL ORDER 45 ATTESTATION**

I, Rachael Clarke, am the ECF User whose ID and password are being used to file this Stipulation and Proposed Order Regarding Continuance of Case Management Conference. In compliance with General Order 45, X.B., I hereby attest that Anna Erickson White and Leigh A. Parker have concurred in this filing.

/s/ Rachael Clarke  
Rachael Clarke

STIP. AND PROPOSED ORDER CONTINUING HEARING AND EXTENDING TIME TO FILE  
Case No. C-08-03658 JF (PVT)