

E-Filed 5/25/2010

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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14
15 Case No. C10-cv-00429 (JF)

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17 IN RE FACEBOOK CONSUMER
18 PRIVACY LITIGATION

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20 **STIPULATION AND [PROPOSED]
ORDER EXTENDING PLAINTIFFS'
TIME TO FILE CONSOLIDATED
COMPLAINT, DEFENDANT'S TIME
TO ANSWER OR MOVE, AND
PARTIES' TIME TO COMPLY WITH
THE INITIAL CASE MANAGEMENT
CONFERENCE AND ADR
DEADLINES**

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23 This Stipulation is entered into by and among plaintiffs Donald Silverstri, Dawn Keer,
24 Kimberly Mancella, Jill Silverman Strelzin, Christopher LeMole, Eric Markowitz, Frank
25 Bluementhal, Lauren Reese, and Billy Sternberg (collectively, "Plaintiffs"), and defendant
26 Facebook, Inc. ("Defendant") by and through their respective counsel.

1 WHEREAS, the *Silverstri* complaint was filed on January 29, 2010;

2 WHEREAS, the *Markowitz* complaint was filed on January 29, 2010;

3 WHEREAS, counsel for Defendant has duly accepted service of the Summonses and
4 Complaints;

5 WHEREAS, on February 4, 2010, the Parties stipulated: (a) that the *Silverstri* and
6 *Markowitz* actions are related cases within the meaning of Local Civil Rule 3-12(a), (b) that under
7 Federal Rule of Civil Procedure 42(a), the cases are consolidated for all purposes into one action,
8 (c) that Plaintiffs shall file a Consolidated Complaint on or before March 9, 2010, and (d) that
9 Defendant shall respond to the Consolidated Complaint on or before April 9, 2010;

10 WHEREAS, on February 11, 2010, the Court so ordered the Stipulation;

11 WHEREAS, on March 5, 2010, the Parties stipulated that Plaintiffs shall file a
12 Consolidated Complaint on or before April 27, 2010, and that Defendant shall respond to the
13 Consolidated Complaint on or before May 27, 2010;

14 WHEREAS, on March 15, 2010, the Court so ordered the Stipulation;

15 WHEREAS, on April 21, 2010, the Parties stipulated that Plaintiffs shall file a
16 Consolidated Complaint on or before May 25, 2010, that Defendant shall respond to the
17 Consolidated Complaint on or before June 24, 2010, and that the Parties would respond to the
18 Initial Case Management Order and ADR Order by May 28, 2010;

19 WHEREAS, on April 29, 2010, the Court so ordered the Stipulation;

20 WHEREAS, on April 29, 2010, the Court reset the Conference on the Initial Case
21 Management Order from May 14, 2010 to May 28, 2010;

22 WHEREAS, Plaintiffs have been diligently working on the Consolidated Complaint but
23 Laurence D. Paskowitz, the principal of one of the Co-Lead Counsel, recently had major surgery,
24 is recovering at home and cannot yet work full time, and, accordingly, Plaintiffs require a short
25 additional extension to complete the Consolidated Complaint;

26 WHEREAS, Plaintiffs will not seek any further extensions of this deadline;

27 WHEREAS the Parties also have agreed upon a briefing schedule for Defendant's
28 anticipated Motion to Dismiss the Complaint, and, accordingly, seek to reset the dates pertaining

1 to the Initial Case Management Order;

2 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
3 counsel for Plaintiffs and Defendant, that:

4 1. The Plaintiffs shall file a superseding Consolidated Complaint on or before June 8,
5 2010. Defendant shall move to dismiss, answer, or otherwise respond to the Consolidated
6 Complaint on or before July 13, 2010. Defendant has no obligation to respond to the current
7 Complaints. If Defendant files a Motion to Dismiss, Plaintiffs will file their Opposition to such
8 Motion by August 10, 2010, and Defendant will file a Reply by August 27, 2010.

9 2. August 19, 2010 will be the last day to meet and confer re: initial disclosures, early
10 settlement, ADR process selection, and discovery plan (Fed. R. Civ. Pro. 26(f) & ADR L.R. 3-5);
11 file ADR certification signed by Parties and Counsel (Civil L.R. 16-8(b) & ADR L.R. 3-5(b));
12 and file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (Civil
13 L.R. 16-8(c) & ADR L.R. 3-5(b) & (c)).

14 3. September 2, 2010 will be the last day to file the Rule 26(f) Report, complete
15 initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per
16 the Court's Standing Order re Contents of Joint Case Management Statement (Fed. R. Civ. Pro.
17 26(a)(1) & Civil L.R. 16-9).

18 4. Oral argument on any Motion to Dismiss filed by Defendant shall be heard on
19 September 10, 2010, at 9:00 a.m. and the Case Management Conference shall be held on the same
20 day, September 10, 2010, at 10:30 a.m.

21 This Stipulation is without prejudice to any other rights that any party may have.
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1 Dated: May 19, 2010

2 LAW OFFICES OF DAVID N. LAKE

COOLEY LLP

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5 /s/ David N. Lake
6 David N. Lake (180775)
7 Attorneys for Plaintiffs DONALD
8 SILVERSTRI, DAWN KEER,
9 KIMBERLY MANCELLA, JILL
10 SILVERMAN STRELZIN,
11 CHRISTOPHER LEMOLE, ERIC
12 MARKOWITZ, FRANK
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14 AND BILLY STERNBERG

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Co-Lead Counsel for Plaintiffs

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[PROPOSED] ORDER

The above stipulation having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: 5/25/2010



The Honorable Jeremy Fogel
UNITED STATES DISTRICT JUDGE

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation and [Proposed] Order.

Dated: May 19, 2010

COOLEY LLP

By: /s/ Matthew D. Brown
Matthew D. Brown