

1 Daniel K. Slaughter (SBN 136725)  
 Michael F. Donner (SBN 155944)  
 2 STEIN & LUBIN LLP  
 Transamerica Pyramid  
 3 600 Montgomery Street, 14th Floor  
 San Francisco, CA 94111  
 4 Telephone: (415) 981-0550  
 Facsimile: (415) 981-4343  
 5 dslaughter@steinlubin.com  
 mdonner@steinlubin.com  
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7 Attorneys for Defendant  
 MCAFEE, INC.  
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9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

13 MELISSA FERRINGTON and CHERYL  
 SCHMIDT,

14 Plaintiffs,

15 v.

16 MCAFEE, INC.,

17 Defendant.  
 18

Case No. CV-10-01455 LHK (HRL)

**JOINT STIPULATION AND [~~PROPOSED~~]  
 ORDER RE PROPOSED SETTLEMENT  
 AND POSTPONEMENT OF CERTAIN  
 PRETRIAL DATES**

Complaint Filed: April 6, 2010  
 Trial Date: April 29, 2013  
 Judge: Hon. Lucy H. Koh

19 KEN POCHIS,

20 Plaintiff,

21 v.

22 ARPU, INC., MCAFEE, INC., and IOLO  
 TECHNOLOGIES, LLC,

23 Defendants  
 24

Case No. CV-11-0721 LHK (HRL)

Complaint Filed: February 16, 2011  
 Trial Date: None  
 Judge: Hon. Lucy H. Koh

**AS MODIFIED**

25 The parties to both of the related action captioned above, by and through their  
 26 counsel, subject to the Court's approval, STIPULATE AS FOLLOWS:

27 WHEREAS, the parties, following extensive negotiations taking into account the  
 28 Court's order denying final approval of the previous settlement, have agreed to the basic terms of

1 a revised class settlement of both of these actions, as memorialized in the written “Memorandum  
2 of Understanding” executed by each of them, and attached hereto;

3 WHEREAS, the parties are working to finalize a written settlement agreement and  
4 to negotiate an agreement on attorneys’ fees, which issue may be the subject of the case  
5 management and settlement conference set by the Court on July 11, 2012 at 2:00 p.m., as  
6 discussed at the last case management conference on May 23, 2012;

7 WHEREAS, the parties wish to avoid unnecessary litigation while they finalize the  
8 revised settlement, and concur that, while the parties are finalizing the settlement, neither the  
9 parties nor the Court should expend resources on motion practice relating to the pleadings or a  
10 class certification motion, or other litigation activity in these actions;

11 WHEREAS, Defendants’ deadline to respond to the complaint in *Pochis* is  
12 currently June 18, 2012, *Ferrington* plaintiffs’ deadline to file a class certification motion is  
13 currently June 21, 2012, and McAfee’s deadline to respond to the second amended complaint in  
14 *Ferrington* is currently July 2, 2012, and the parties agree that these dates should be postponed in  
15 order to facilitate settlement discussions;

16 WHEREAS, the parties recognize that if the settlement agreement cannot be  
17 finalized as now anticipated, the case should proceed without delay at the pace set forth in the  
18 scheduling order currently in place, with adjusted dates for responsive pleadings or motions and a  
19 class certification motion.

20 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND  
21 BETWEEN THE PARTIES that, subject to the Court’s approval:

22 All dates and deadlines entered by the Court on May 23, 2012, shall remain in  
23 place except that Defendants’ deadline for responding (by way of motion, answer or otherwise) to  
24 the complaint in *Pochis* and the second amended complaint in *Ferrington*, and Plaintiffs’ deadline  
25 for filing a class certification motion in *Ferrington*, shall be off calendar, pending rescheduling at  
26 the July 11, 2012 case management conference.

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Dated: June 14, 2012

STEIN & LUBIN LLP

*/s/ Daniel K. Slaughter*

By: \_\_\_\_\_  
Daniel K. Slaughter  
Counsel for Defendant McAfee, INC.

Dated: June 14, 2012

RIMON LAW GROUP

*/s/ Scott R. Raber*

By: \_\_\_\_\_  
Scott R. Raber  
Counsel for Defendant ARPU, INC.

Dated: June 14, 2012

QUINN EMANUEL URQUHART & SULLIVAN, LLP

*/s/ Shon Morgan*

By: \_\_\_\_\_  
Shon Morgan  
Counsel for Def. IOLO TECHNOLOGIES LLC

Dated: June 14, 2012

COHEN MILSTEIN SELLERS & TOLL PLLC

*/s/ Victoria S. Nugent*

By: \_\_\_\_\_  
Victoria S. Nugent  
Counsel for Plaintiffs in *Ferrington*

Dated: June 14, 2012

PATTERSON LAW GROUP, APC

*/s/ James R. Patterson*

By: \_\_\_\_\_  
James R. Patterson  
Counsel for Plaintiffs in *Pochis*

**[PROPOSED] ORDER**

At the July 11, 2012 case management conference the parties shall be prepared to discuss: (1) whether there is a reverter; (2) how onerous the claims process will be; and (3) the anticipated total payment and benefits to the class.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: June 15, 2012 \_\_\_\_\_

*Lucy H. Koh*  
\_\_\_\_\_  
Honorable Lucy H. Koh  
Judge of the United States District Court

