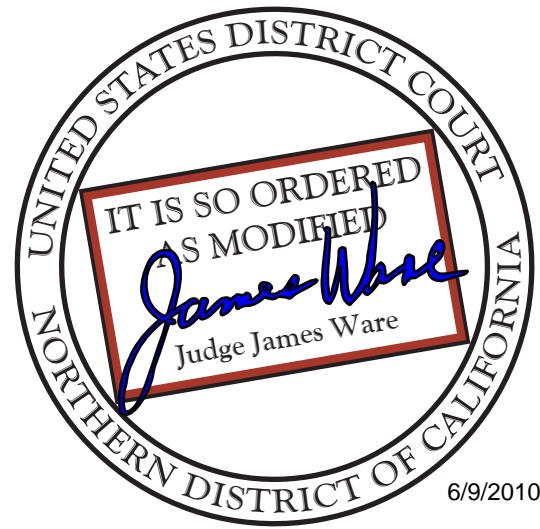


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6 Attorneys for Defendant  
 7 McAfee INC.



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

12 MELISSA FERRINGTON and CHERYL  
 13 SCHMIDT,

14 Plaintiffs,

15 v.

16 McAfee INC.,

17 Defendant.

Case No. 5:10-CV-01455 JW

CLASS ACTION

**STIPULATION AND [Proposed]  
 ORDER RE BRIEFING AND HEARING  
 SCHEDULE RE MOTION TO DISMISS;  
 DECLARATION OF DANIEL K.  
 SLAUGHTER IN SUPPORT**

1 Plaintiffs Melissa Ferrington and Cheryl Schmidt and defendant McAfee, Inc., by  
2 and through their counsel, subject to the Court's approval, stipulate as follows:

3 WHEREAS, plaintiffs served the original complaint on McAfee on April 7, 2010;  
4 and

5 WHEREAS, McAfee requested an extension of time to respond to the original  
6 complaint and, in response, plaintiffs proposed to file an amended complaint and the parties  
7 agreed to set McAfee's response date to be 21 days after the service of plaintiffs' first amended  
8 complaint ("FAC"); and

9 WHEREAS, plaintiffs filed and served their FAC on May 13, 2010 and therefore  
10 McAfee's deadline for responding to that complaint is June 3, 2010; and

11 WHEREAS, McAfee intends to file a motion to dismiss the action pursuant to  
12 Federal Rule of Civil Procedure 12(b)(6) and the first available hearing date on the Court's  
13 calendar is October 25, 2010.

14 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND  
15 BETWEEN THE PARTIES that, subject to the Court's approval, the briefing and hearing  
16 schedule on the motion to dismiss shall be as follows:

17 1. McAfee shall respond to the FAC with the filing and service of a motion to  
18 dismiss on or before June 10, 2010;

19 2. Plaintiffs' papers in opposition to the motion shall be filed and served on July  
20 29, 2010;

21 3. McAfee's reply papers in support of the motion shall be filed and served on or  
22 before August 26, 2010;

23 4. The hearing on the motion to dismiss shall be set for **November 1, 2010**  
24 **at 9:00 A.M.**

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Dated: May 28, 2010

ROSEN, BIEN & GALVAN, LLP

By: /s/ Gay Crothswait Grunfeld  
Gay Crothswait Grunfeld  
Attorneys for Plaintiffs MELISSA FERRINGTON  
and CHERYL SCHMIDT

Dated: May 28, 2010

STEIN & LUBIN LLP

By: /s/ Daniel K. Slaughter  
Daniel K. Slaughter  
Attorneys for Defendant  
McAFEE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: June 9, 2010

  
The Honorable James Ware

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**DECLARATION OF DANIEL K. SLAUGHTER**

I, Daniel K. Slaughter, declare as follows:

1. I am Of Counsel at Stein & Lubin LLP, counsel for defendant McAfee, Inc. ("McAfee") in this action. I have personal knowledge that the facts set forth in this declaration are true and correct and, if called as a witness, could and would testify thereto.

2. As set forth in the attached stipulation, the parties have agreed to a briefing and hearing schedule for McAfee’s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). The hearing date is the first available date on the Court’s calendar, October 25, 2010. The briefing schedule includes a one week extension of time for McAfee to respond to the first amended complaint (“FAC”) by filing the motion, and shortens the time for opposition and reply so that the Court will have additional time to review the motion papers and/or advance the hearing date if that is possible.

3. The reasons for the briefing schedule are as follows: The Court’s first available hearing date for the motion is October 25, 2010. The current deadline for filing the motion is June 3, 2010. Given that there are almost 150 days between those dates, the parties desire to divide up that time so as to enable them to prepare papers addressing all the issues on the motion. The parties also want to give the Court additional time to review the papers and/or to advance the hearing date if possible after briefing is completed.

4. There have been no previous time modification in this action, except that the parties stipulated previously to allow McAfee an additional 30 days to respond to the original complaint. Fifteen days into that extension, plaintiffs filed their FAC and the current response date is the statutory 21-day time from the filing and service of the FAC.

5. The requested modifications to the timing of the briefing on the motion to dismiss will have no impact on the schedule for the case, given that the hearing date chosen is, in any event, the first available hearing date on the Court’s calendar.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 28th day of May 2010 at San Francisco, California.

/s/ Daniel K. Slaughter  
Daniel K. Slaughter