1 2 3 4 5 6	Gay Crosthwait Grunfeld – 121944 Shirley Huey – 224114 ROSEN, BIEN & GALVAN, LLP 315 Montgomery Street, Tenth Floor San Francisco, California 94104-1823 Telephone: (415) 433-6830 Facsimile: (415) 433-7104 ggrunfeld@rbg-law.com shuey@rbg-law.com  Local Counsel for Plaintiffs				
7 8 9 10 11 12 13	Andrew N. Friedman- admitted pro hac vice Victoria S. Nugent – admitted pro hac vice Stefanie M. Ramirez – admitted pro hac vice COHEN MILSTEIN SELLERS & TOLL PL 1100 New York Avenue, N.W., Suite 500 W Washington, D.C. 20005-3964 Telephone: (202) 408-4600 Facsimile: (202) 408-4699 vnugent@cohenmilstein.com  Counsel for Plaintiffs	LC Seattle, Washington 98104-7042			
14 15 16	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION				
17 18 19 20 21 22 23	MELISSA FERRINGTON and CHERYL SCHMIDT, individually and on behalf of the class they represent,  Plaintiffs,  v.  MCAFEE INC., a Delaware Corporation, ARPU, Inc. (d/b/a TRYandBUY.com), a Delaware Corporation,  Defendant.	NO. 5:10-cv-01455  STIPULATION AND [PROPOSED] ORDER REGARDING FILING OF THIRD AMENDED COMPLAINT  Local Rules 7-1(a)(5) and 7-12			
24 25	Plaintiffs Malissa Farrington Charyl	Schmidt Christopher Reposts and Christi Hall			
	Plaintiffs Melissa Ferrington, Cheryl Schmidt, Christopher Bennett and Christi Hall				
26		McAfee"), by and through their counsel, subject to			
27	the Court's approval, STIPULATE AS FOLLOWS:				
28		NO. 5:10-CV-01455 LHK: STIP. & [PROPOSED] ORDER RE: SECOND AM. COMPL.			

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WHEREAS, the parties have entered into a Settlement Agreement ("Agreement"), which has as one of its terms that Plaintiffs will seek leave to amend file a Third Amended Complaint to add Arpu, Inc. (d/b/a TryandBuy.com) as a Defendant and to make the other amendments to the complaint contained in the previously lodged (but never ordered filed by the Court) as a Second Amended Complaint;

WHEREAS, pursuant to the Agreement, Defendants stipulate to granting of the motion for filing of the Third Amended Complaint, provided however that the Third Amended Complaint shall be binding only with respect to the settlement and Agreement and that, in the event that Final Approval of the settlement does not occur for any reason, or in the event of termination of the Agreement for any reason, the Court's Order approving the filing of the Third Amended Complaint, shall be deemed null and void ab initio, shall have no force or effect whatsoever, shall not be used in this Litigation or in any other proceeding for any purpose, Arpu shall be dismissed from the Litigation without prejudice and the Litigation shall revert to its status as existed prior to the date of the Agreement;

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

Plaintiffs may file the Third Amended Complaint submitted with their moving papers. The Third Amended Complaint shall be binding only with respect to the parties' settlement and the Settlement Agreement ("Agreement"). In the event that Final Approval of the settlement does not occur for any reason, or in the event of termination of the Agreement for any reason, this Order approving the filing of the Third Amended Complaint, shall be deemed null and void ab initio, shall have no force or effect whatsoever, shall not be used in the Litigation or in any other proceeding for any purpose, Arpu shall be dismissed from the Litigation without prejudice and the Litigation shall revert to its status as existed prior to the date of this Order.

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3			a
4	4 Dated: June 13, 2011 By:	/s/ Victoria	
5	5	Victoria S	
6	6		M. Ramirez MILSTEIN SELLERS & TOLL PLLC
7	7	1100 Nev	v York Avenue, N.W. , West Tower
8	8	Washingt	on, DC 20005
9	9		e: (202) 408-4600 :: (202) 408-4699
10	0		thwait Grunfeld
11	1	Shirley H	uey
12	2		BIEN & GALVAN, LLP gomery Street, Tenth Floor
13	3	San Franc	e: (415) 433-6830
14			e. (415) 433-7104 :: (415) 433-7104
15		Local Co	unsel for Plaintiffs
16		Melissa F	Ferrington and Cheryl Schmidt
17		Matthew	
18		701 Fifth	AW GROUP, PLLC Avenue, Suite 7230
			VA 98104 e: (206) 583-2745
19			e: (206) 625-8683
20		Counsel f	or Plaintiffs
21			
22	Dated. Julie 13, 2011	By: <u>/s/ Daniel K. Slaughter</u>	
23		Daniel K STEIN &	. Slaughter . LUBIN
24	4	600 Mon	tgomery Street, 14th Floor cisco, CA 94111
25	5	Telephon	e: (415) 955-5037 :: (415) 981-4343
26	6		or Defendant, McAfee, Inc.
27	7	Counsel	or Defendant, Mer nec, me.
28	8		NO 5:10 CV 01455 LUV: CTID 9:
		- 3 -	NO. 5:10-CV-01455 LHK: STIP. & [ <del>PROPOSED</del> ] ORDER RE: THIRD AM. COMPL.

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3	Dated: June 13, 2011 By: /s/ Scott Raber	
4		
5	The Banchero Law Firm LLP	
6	Four Embarcadero Center, 17th Floor San Francisco, CA 94111	
7	Counsel for Defendant, Arpu, Inc.	
8		
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11	[ <del>PROPOSED</del> ] ORDER	
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13	PURSUANT TO THE STIPULATION, IT IS SO ORDERED.	
14	July 19, 2011  Stucy H. Koh	
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16	Honorable Lucy H. Koh Judge of the United States District Cou	rt
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	NO. 5:10-CV-01455 LHK: STIP. & - 4 - [PROPOSED] ORDER RE: THIRD AM. COMPL.	