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 EBAY INC. and PAYPAL, INC.

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

12	DEVINDA FERNANDO, VADIM TSIGEL)	Case No. 10-CV-01668 JF
13	on behalf of themselves and all others similarly)	
14	situated and on behalf of the general public of)	STIPULATION AND [PROPOSED]
14	the United States,)	ORDER EXTENDING TIME FOR
15	Plaintiffs,)	PLAINTIFFS TO FILE AN AMENDED
15)	COMPLAINT AND CONTINUING CASE
16	v.)	MANAGEMENT CONFERENCE
16)	Action Filed: April 19, 2010
17	EBAY, INC., a foreign corporation,)	
17	PAYPAL, INC., a Delaware corporation,)	[Declaration of George S. Azadian lodged
18	Defendants.)	concurrently]
19)	

1 WHEREAS, on April 19, 2010, plaintiffs Devinda Fernando and Vadim Tsigel (together,
2 “Plaintiffs”) filed the Complaint in this action, which was served on defendants eBay Inc. and
3 PayPal, Inc. (together, “Defendants”) by personal service on August 18, 2010;

4 WHEREAS, on October 18, 2010, Defendants filed a Motion to Dismiss Plaintiffs’
5 Complaint;

6 WHEREAS, the parties previously stipulated (the “First Stipulation”) that: (a) the hearing
7 on Defendants’ Motion to Dismiss shall be continued until January 28, 2011; (b) Plaintiffs shall file
8 and serve an Amended Complaint or their Opposition to Defendants’ Motion to Dismiss on or
9 before January 7, 2011; (c) assuming Plaintiffs file and serve an Amended Complaint on or before
10 January 7, 2011, then the January 28, 2011 hearing on Defendants’ Motion to Dismiss shall be
11 taken off calendar; (d) Defendants shall have until March 8, 2011 to respond to Plaintiffs’
12 Amended Complaint; and (e) the Case Management Conference shall be continued until April 22,
13 2011 at 10:30 a.m., and the parties’ Joint Case Management Statement shall be filed by April 8,
14 2011;

15 WHEREAS, the Prior Stipulation was entered by this Court on November 4, 2010 (Dkt.
16 No. 18.);

17 WHEREAS, the parties previously stipulated (the “Second Stipulation”) that: (a) the
18 hearing on Defendants’ Motion to Dismiss shall be taken off calendar; (b) Plaintiffs shall file and
19 serve an Amended Complaint on or before February 22, 2011; (c) Defendants shall have until April
20 25, 2011 to respond to Plaintiffs’ Amended Complaint; and (d) the Case Management Conference
21 shall be continued until June 10, 2011 at 10:30 a.m., and the parties’ Joint Case Management
22 Statement shall be filed by May 25, 2011;

23 WHEREAS, the Second Stipulation was entered by this Court on January 11, 2011 (Dkt.
24 No. 20.);

25 WHEREAS, counsel for Plaintiffs has informed counsel for Defendants that Plaintiffs
26 require additional time to prepare and file an Amended Complaint;

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1 WHEREAS, the parties have agreed to extend the date by which Plaintiffs must file an
2 Amended Complaint by an additional period of thirty (30) days from February 22, 2011 to and
3 including March 22, 2011;

4 WHEREAS, the parties have agreed that, assuming Plaintiffs file an Amended Complaint
5 on or before March 22, 2011, Defendants shall have until and including May 23, 2011 to respond to
6 Plaintiffs' Amended Complaint;

7 WHEREAS, a Case Management Conference is currently set for June 10, 2011 at 10:30
8 a.m.; and

9 WHEREAS, it would promote judicial efficiency to continue the Case Management
10 Conference and the parties' submission of their Joint Case Management Statement until after
11 Defendants respond to the Amended Complaint and after the hearing on any motion filed by
12 Defendants in response to the Amended Complaint.

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1 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel
2 of record, that:

- 3 (a) Plaintiffs shall file an Amended Complaint on or before March 22, 2011;
4 (c) Defendants shall have until and including May 23, 2011 to respond to Plaintiffs'
5 Amended Complaint; and
6 (d) The Case Management Conference, currently set for June 10, 2011 at 10:30 a.m.,
7 shall be continued until September 23, 2011 at 10:30 a.m., and the parties' Joint Case Management,
8 currently due by May 25, 2011, shall be filed by September 9, 2011.

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Dated: March 3, 2011

STROOCK & STROOCK & LAVAN LLP

By /s/ George S. Azadian
George S. Azadian

Attorneys for Defendants
EBAY INC. and PAYPAL, INC.

Dated: March 3, 2011

MARINA TRUBITSKY & ASSOCIATES, PLLC

By /s/ Marina Trubitsky (signed with permission)
Marina Trubitsky

Attorneys for Plaintiffs
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[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: 3/10/11 _____



UNITED STATES DISTRICT JUDGE

