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6 Attorneys for Defendant
 PAYPAL, INC.
 7

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

11	DEVINDA FERNANDO, VADIM TSIGEL,)	Case No. 10-CV-01668 JF
	MICHAIL ZINGER, AMY RICKEL, FRED)	
12	RICKEL, IRA GILMAN, LACY REINTSMA,)	STIPULATION AND [PROPOSED]
	and SHAUL BEHR on behalf of themselves)	ORDER EXTENDING TIME FOR
13	and all others similarly situated and on behalf,)	DEFENDANT TO RESPOND TO THE
)	AMENDED COMPLAINT
14	Plaintiffs,)	
)	Action Filed: April 19, 2010
15	v.)	
)	[Declaration of David W. Moon lodged
16	PAYPAL, INC., a Delaware corporation,)	concurrently]
)	
17	Defendant.)	
)	

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

4 WHEREAS, on November 2, 2010 the parties stipulated that: (a) the hearing on
5 Defendants’ Motion to Dismiss shall be continued to January 28, 2011; (b) Plaintiffs shall file and
6 serve an Amended Complaint or their Opposition to Defendants’ Motion to Dismiss on or before
7 January 7, 2011; (c) assuming Plaintiffs file and serve an Amended Complaint on or before January
8 7, 2011, then the January 28, 2011 hearing on Defendants’ Motion to Dismiss shall be taken off
9 calendar; (d) Defendants shall have until March 8, 2011 to respond to Plaintiffs’ Amended
10 Complaint; and (e) the Case Management Conference shall be continued until April 22, 2011 at
11 10:30 a.m., and the parties’ Joint Case Management Statement shall be filed by April 8, 2011
12 Pursuant to Civil Local Rule 7-3, Plaintiffs’ Opposition must be filed by November 19, 2010 (Dkt.
13 No. 17).

14 WHEREAS, on January 7, 2011 the parties stipulated that: (a) the hearing on Defendants’
15 Motion to Dismiss shall be taken off calendar; (b) Plaintiffs shall file and serve an Amended
16 Complaint on or before February 22, 2011; (c) Defendants shall have until April 25, 2011 to
17 respond to Plaintiffs’ Amended Complaint; and (d) the Case Management Conference shall be
18 continued until June 10, 2011 at 10:30 a.m., and the parties’ Joint Case Management Statement
19 shall be filed by May 25, 2011 (Dkt. No. 19).

20 WHEREAS, on March 17, 2011 the parties stipulated that: (a) Plaintiffs must file an
21 Amended Complaint on or before March 22, 2011; (b) Defendants shall have until and including
22 May 23, 2011 to respond to Plaintiffs’ Amended Complaint; and (c) the Case Management
23 Conference shall be continued until September 23, 2011 at 10:30 a.m., and the parties’ Joint Case
24 Management Statement shall be filed by September 9, 2011 (Dkt. No. 22);

25 WHEREAS, on March 22, 2011, Plaintiffs filed the First Amended Class Action Complaint
26 (the “Amended Complaint”) against PayPal;

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1 WHEREAS, counsel for PayPal have informed counsel for Plaintiffs that PayPal requires
2 additional time to respond to the Amended Complaint;

3 WHEREAS, the parties have agreed to extend the date by which PayPal must respond to the
4 Amended Complaint by an additional period of thirty-five (35) days from May 23, 2011 to and
5 including June 27, 2011;

6 WHEREAS, the parties have agreed that, if PayPal responds to the Amended Complaint by
7 motion, Plaintiffs shall have until August 26, 2011 to file their opposition to the motion; and

8 WHEREAS, the requested extension will not change or alter any event already fixed by
9 Court order.

10 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel
11 of record, that PayPal shall have until and including June 27, 2011 to respond to Plaintiffs'
12 Amended Complaint, and if PayPal responds to the Amended Complaint by motion, Plaintiffs shall
13 have until August 26, 2011 to file their opposition to the motion.

14 Dated: May 23, 2011

STROOCK & STROOCK & LAVAN LLP

15 By /s/ David W. Moon
16 David W. Moon

17 Attorneys for Defendant
18 PAYPAL, INC.

19 Dated: May 23, 2011

MARINA TRUBITSKY & ASSOCIATES, PLLC

20 By /s/ Marina Trubitsky
21 Marina Trubitsky

22 Attorneys for Plaintiffs

23 **~~PROPOSED~~ ORDER**

24 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

25 Dated: 6/2/2011

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27 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, a copy of the foregoing **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANT TO RESPOND TO THE AMENDED COMPLAINT** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ David W. Moon
David W. Moon

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

11 DEVINDA FERNANDO, VADIM TSIGEL,) Case No. 10-CV-01668 JF
MICHAEL ZINGER, AMY RICKEL, FRED)
12 RICKEL, IRA GILMAN, LACY REINTSMA,) **DECLARATION OF DAVID W. MOON IN**
and SHAUL BEHR on behalf of themselves) **SUPPORT OF STIPULATION**
13 and all others similarly situated and on behalf,) **EXTENDING TIME FOR DEFENDANT**
) **TO RESPOND TO THE AMENDED**
14 Plaintiffs,) **COMPLAINT**
)
15 v.) Action Filed: April 19, 2010
)
16 PAYPAL, INC., a Delaware corporation,) [Stipulation and [Proposed] Order lodged
) concurrently]
17 Defendant.)
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DECLARATION OF DAVID W. MOON

I, David W. Moon, declare as follows:

1. I am admitted to practice before this Court and am Special Counsel at Stroock & Stroock & Lavan LLP, counsel for defendant PayPal, Inc. (together with former defendant eBay Inc., “Defendants”). I submit this declaration in support of the parties’ Stipulation Extending Time for Defendant to Respond to Amended Complaint (the “Stipulation”). The facts set forth herein are true of my own personal knowledge, except where based on a review of the pleadings and records in this action.

2. On April 19, 2010, plaintiffs Devinda Fernando and Vadim Tsigel filed the Complaint.

3. On July 20, 2010, counsel for Plaintiffs filed a letter with the Court, stating that the Complaint had not been served on Defendants and requesting a continuance of the Case Management Conference (Dkt. No. 4).

4. On August 18, 2010, Defendants were served with the Complaint.

5. On August 31, 2010, the parties stipulated to extend the date by which Defendants must respond to the Complaint until and including October 18, 2010 (Dkt. No. 8).

6. On October 12, 2010, the Court entered a notice scheduling a Case Management Conference for November 19, 2010 at 10:30 a.m. (Dkt. No. 13).

7. On October 18, 2010, Defendants filed a Motion to Dismiss Plaintiffs’ Complaint (Dkt. No. 15).

8. On November 2, 2010 the parties stipulated that: (a) the hearing on Defendants’ Motion to Dismiss shall be continued to January 28, 2011; (b) Plaintiffs shall file and serve an Amended Complaint or their Opposition to Defendants’ Motion to Dismiss on or before January 7, 2011; (c) assuming Plaintiffs file and serve an Amended Complaint on or before January 7, 2011, then the January 28, 2011 hearing on Defendants’ Motion to Dismiss shall be taken off calendar; (d) Defendants shall have until March 8, 2011 to respond to Plaintiffs’ Amended Complaint; and (e) the Case Management Conference shall be continued until April 22, 2011 at 10:30 a.m., and the

1 parties' Joint Case Management Statement shall be filed by April 8, 2011 Pursuant to Civil Local
2 Rule 7-3, Plaintiffs' Opposition must be filed by November 19, 2010 (Dkt. No. 17).

3 9. On January 7, 2011 the parties stipulated that: (a) the hearing on Defendants'
4 Motion to Dismiss shall be taken off calendar; (b) Plaintiffs shall file and serve an Amended
5 Complaint on or before February 22, 2011; (c) Defendants shall have until April 25, 2011 to
6 respond to Plaintiffs' Amended Complaint; and (d) the Case Management Conference shall be
7 continued until June 10, 2011 at 10:30 a.m., and the parties' Joint Case Management Statement
8 shall be filed by May 25, 2011 (Dkt. No. 19).

9 10. On March 17, 2011 the parties stipulated that: (a) Plaintiffs must file an Amended
10 Complaint on or before March 22, 2011; (b) Defendants shall have until and including May 23,
11 2011 to respond to Plaintiffs' Amended Complaint; and (c) the Case Management Conference shall
12 be continued until September 23, 2011 at 10:30 a.m., and the parties' Joint Case Management
13 Statement shall be filed by September 9, 2011 (Dkt. No. 22).

14 11. Counsel for Defendants have informed counsel for Plaintiffs that Defendants require
15 additional time to respond to the Amended Complaint.

16 12. The parties have agreed to extend the date by which Defendants must respond to the
17 Amended Complaint by an additional period of thirty-five (35) days from May 23, 2011 to and
18 including June 27, 2011, and that if PayPal responds to the Amended Complaint by motion,
19 Plaintiffs shall have until August 26, 2011 to file their opposition to the motion.

20 13. Good cause exists for the foregoing extension because the Amended Complaint
21 introduces a total of six (6) new plaintiffs and proposed class representatives, and PayPal requires
22 additional time to investigate the allegations of the Amended Complaint and to prepare its response
23 thereto.

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14. The Stipulation is made in good faith and not for purposes of delay.

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

Executed this 23d day of May 2011, in Los Angeles, California

/s/ David W. Moon
David W. Moon

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CERTIFICATE OF SERVICE

I hereby certify that on May 23, 2011, a copy of the foregoing **DECLARATION OF DAVID W. MOON IN SUPPORT OF STIPULATION EXTENDING TIME FOR DEFENDANT TO RESPOND TO THE AMENDED COMPLAINT** was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ David W. Moon

David W. Moon