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 8 Attorneys for Defendant
 NETFLIX, INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION
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14	MICHAEL SEVY, individually and on behalf of)	CASE NO.: 11 CV 01309 PSG
	all others similarly situated,)	
15	<i>Plaintiff,</i>)	STIPULATION AND
	v.)	ORDER REGARDING
16	NETFLIX, INC., a Delaware Corporation)	DEFENDANT'S RESPONSE TO THE
	<i>Defendant,</i>)	COMPLAINT DUE TO PENDING
17)	MOTION TO CONSOLIDATE
18)	
19)	
20)	
21)	

1 WHEREAS, on March 18, 2011, Plaintiff Michael Sevy (“Plaintiff”) filed a class action
2 complaint against Netflix, Inc. (“Netflix”) alleging violations of the Video Privacy Protection
3 Act (“VPPA”) and other claims arising from Netflix’s alleged data retention practices;

4 WHEREAS, in addition to this action, to date, four additional class action complaints
5 have been filed in this judicial district that contain substantially similar allegations and causes of
6 action, and that seek the same relief as this action, specifically Milans v. Netflix, Inc., Case No.
7 11-CV-0379 JF (the “Milans Action”); Bernal v. Netflix, Inc., Case No. 11-CV-00820 PSG (the
8 “Bernal Action”); Rura v. Netflix, Inc., Case No. 11-CV-01075 SBA (the “Rura Action”); and
9 Comstock v. Netflix, Inc., Case No. 11-CV-1218 HRL (the “Comstock Action”);

10 WHEREAS, on March 11, 2011, plaintiffs in the Bernal Action and Rura Action filed a
11 motion in the Milans Action for an order (1) consolidating the Bernal Action with the Rura
12 Action and the Milans Action; and (2) appointing Bursor & Fisher, P.A. and Faruqi & Faruqi,
13 LLP as Interim Lead Co-Class Counsel, which motion is currently set to be heard on May 6,
14 2011 (the “Consolidation Motion”);

15 WHEREAS, Netflix’s response to the complaint in this action is currently due on or
16 before April 11, 2011;

17 WHEREAS, Netflix has requested, and plaintiffs in each of the actions referenced herein
18 have agreed to, an extension of time for Netflix to respond to the complaint pending resolution of
19 the Consolidation Motion and appointment of a lead plaintiff.

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NOW THEREFORE, IT IS HEREBY STIPULATED that:

1. Netflix shall respond to the complaint within 30 days after the cases are consolidated and a consolidated complaint is filed, or, in the event that the Court denies the pending Consolidation Motion, within 30 days of the issuance of such order.

2. This stipulation is without prejudice to the rights, claims, or defenses of any party, and shall not be used by Netflix as evidence of, or to support any argument that, Plaintiff has not timely pursued his claims or has not been diligent.

Dated: March 22, 2011

s/ Rodney G. Strickland, Jr.

Rodney G. Strickland, Jr.
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant
NETFLIX, INC.

Dated: March 22, 2011

s/ Marc L. Godino

Marc L. Godino
GLANCY BINKOW & GOLDBERG LLP

Attorneys for Plaintiff Michael Sevy

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ORDER

Netflix shall respond to the complaint no later than 30 days after the cases are consolidated and a consolidated complaint is filed, or, in the event that the Court denies the pending Consolidation Motion, within 30 days of the issuance of such order.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 23, 2011



Paul S. Grewal
UNITED STATES MAGISTRATE JUDGE

1 I, Rodney G. Strickland, Jr., am the ECF User whose identification and password are
2 being used to file the Stipulation And [Proposed] Order Regarding Defendant's Response to the
3 Complaint. I hereby attest Marc L. Godino has concurred in this filing.

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Dated: March 22, 2011

s/ Rodney G. Strickland, Jr.

Rodney G. Strickland, Jr.
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant
NETFLIX, INC.

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CERTIFICATE OF SERVICE BY MAIL

I, Linda Koontz, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **STIPULATION AND [PROPOSED] ORDER REGARDING DEFENDANT'S RESPONSE TO THE COMPLAINT DUE TO PENDING MOTION TO CONSOLIDATE** on each person listed below, by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Joseph J Siprut
Siprut, PC
122 outh Michigan Avenue
Suite 1850
Chicago, IL 60603

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on March 22, 2011.

/s/ Linda Koontz

Linda Koontz