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 9 NETFLIX, INC.

10 [ADDITIONAL COUNSEL
 ON SIGNATURE PAGE]
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 MEGHAN MOLLETT AND TRACY)
 HELLWIG, individually, on behalf of themselves)
 17 and all others similarly situated,)
)
 18 Plaintiffs,)
)
 19 vs.)
)
 20 NETFLIX, INC., a Delaware corporation,)
)
 21 Defendant,)
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 22)
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CASE NO.: 11-cv-01629-EJD (PSG)
**STIPULATION AND ~~PROPOSED~~
 ORDER REQUIRING
 NOTIFICATION IN THE EVENT
 OF JUDGMENT OR SETTLEMENT
 OF *IN RE NETFLIX PRIVACY
 LITIGATION***

1 WHEREAS, plaintiffs believe that certain documents relating to this case and the
2 separate case captioned *In re Netflix Privacy Litigation*, Case No. 11-cv-00379-EJD (the “*In re*
3 *Netflix Privacy Litigation*” action) could be destroyed by defendant Netflix, Inc. (“Netflix”) in
4 connection with a settlement or judgment in the *In re Netflix Privacy Litigation* action;

5 WHEREAS, during a conference with Magistrate Judge Paul S. Grewal on November 3,
6 2011, the Court declined to enter at that time the proposed evidence preservation order that
7 plaintiffs had submitted to the Court in connection with the Case Management Conference held
8 on October 28, 2011; and

9 WHEREAS, Netflix offered during the November 3, 2011, conference to notify plaintiffs
10 in the event that a settlement or judgment in the *In re Netflix Privacy Litigation* action could
11 result in the destruction of documents relevant or potentially relevant to this case so that, at that
12 time, the parties could discuss ways to ensure that documents relevant or potentially relevant to
13 this case are not destroyed or, alternatively, the plaintiffs could seek judicial intervention
14 regarding document preservation;

15 NOW THEREFORE, the parties, by and through their undersigned counsel, hereby
16 stipulate and agree that, in the event that a settlement or judgment in the *In re Netflix Privacy*
17 *Litigation* action could result in the destruction of documents relevant or potentially relevant to
18 this case, Netflix’s counsel will notify plaintiffs’ counsel within 48 hours of the filing of a
19 motion for preliminary approval of a settlement or a judgment that includes any document
20 destruction provisions, and at least 60 days before any documents are destroyed pursuant to such
21 a judgment or settlement.

22
23 Dated: November 16, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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25 By: /s/ Rodney G. Strickland, Jr.
Rodney G. Strickland, Jr.

26
27 Attorneys for Defendant
NETFLIX, INC.

1 Dated: November 16, 2011

WOLF HALDENSTEIN ADLER FREEMAN
& HERZ LLP

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By: /s/ Rachele R. Rickert
Rachele R. Rickert

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Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

In the event that a settlement or judgment in the *In re Netflix Privacy Litigation* action could result in the destruction of documents relevant or potentially relevant to this case, Netflix's counsel will notify plaintiffs' counsel within 48 hours of the filing of a motion for preliminary approval of a settlement or a judgment that includes any document destruction provisions, and at least 60 days before any documents are destroyed pursuant to such a judgment or settlement.

IT IS SO ORDERED.

DATED: __11/21/2011

Paul S. Grewal
HON. PAUL S. GREWAL
MAGISTRATE JUDGE

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ECF CERTIFICATION

I, Rodney G. Strickland, Jr., am the ECF User whose identification and password are being used to file this Stipulation and [Proposed] Order Requiring Notification in the Event of Judgment or Settlement of *In Re Netflix Privacy Litigation*. I hereby attest that Rachele R. Rickert has concurred in this filing.

Dated: November 16, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Rodney G. Strickland, Jr.
Rodney G. Strickland, Jr.

Attorneys for Defendant
NETFLIX, INC.