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14 **UNITED STATES DISTRICT COURT FOR THE**  
15 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

16  
17 DOE I, DOE II, Ivy HE, DOE III, DOE  
18 IV, DOE V, DOE VI, ROE VII, Charles  
19 LEE, ROE VIII, and LIU Guifu,

20 Plaintiffs,

21 vs.

22 CISCO SYSTEMS, INC., John  
23 CHAMBERS, Thomas LAM, Owen  
24 CHAN, and DOES 1-100,

25 Defendants.

Case No. 5:11-cv-02449-JF

**JOINT STIPULATION RE: PROOF OF  
SERVICE OF PROCESS AND BRIEFING  
SCHEDULE FOR MOTION TO DISMISS**

Action Filed: May 19, 2011  
Judge: Hon. Jeremy Fogel  
Dept: Courtroom 3, 5th Floor

1 **STIPULATION**

2 IT IS HEREBY STIPULATED AND AGREED between DOE I, DOE II, Ivy HE, DOE  
3 III, DOE IV, DOE V, DOE VI, ROE VII, Charles LEE, ROE VIII, and LIU Guifu (“Plaintiffs”)  
4 and Defendants CISCO SYSTEMS, INC. (“Cisco”), John CHAMBERS (“Chambers”), Thomas  
5 LAM (“Lam”), and Owen CHAN (“Chan”) (collectively, the “Parties”), as follows:

6 WHEREAS, counsel for Plaintiffs received an email from William Friedman, Director of  
7 Legal Services at Cisco (“Mr. Friedman”), on May 20, 2011, informing counsel for Plaintiffs  
8 that he was in receipt of the Complaint filed in the above-referenced case on May 19, 2011, and  
9 that Cisco would accept service of process on behalf of both Chambers and Cisco via PDF/email  
10 sent to him at email address bilfried@cisco.com;

11 WHEREAS, Rajika Shah (“Ms. Shah”), associate counsel for Plaintiffs, responded to Mr.  
12 Friedman’s email and stated that she would forward service copies of the Summons and  
13 Complaint and other initiating documents to Mr. Friedman on behalf of both Cisco and  
14 Chambers as PDF documents via email to email address bilfried@cisco.com;

15 WHEREAS, Ms. Shah emailed service copies to Mr. Friedman at email address  
16 bilfried@cisco.com of the Summons and Complaint and other initiating documents consisting of  
17 the following in PDF format on May 27, 2011:

- 18 • Complaint
- 19 • Summons on Defendant Cisco Systems, Inc.
- 20 • Summons on Defendant John Chambers
- 21 • Certification of Interested Parties
- 22 • Civil Case Cover Sheet
- 23 • San Jose Division Standing Order Regarding Case Management in Civil Cases
- 24 • N.D.Cal. Standing Order Regarding Contents of Joint Case Management  
25 Statement
- 26 • Order Reassigning the case to the Hon. Jeremy Fogel for all proceedings
- 27 • Notice of Electronic Filing assigning the case to Magistrate Judge;

28 WHEREAS, Ms. Shah also emailed service copies to Mr. Friedman at email address

1 bilfried@cisco.com of Plaintiffs' motions to proceed anonymously and through appointed next  
2 friends and the *pro hac vice* applications of Terri Marsh and Brian Pierce consisting of the  
3 following in PDF format on May 27, 2011:

- 4 • Plaintiffs' Notice of Motion and Motion to Proceed Anonymously
- 5 • [Proposed] Order Granting Plaintiffs' Motion to Proceed Anonymously
- 6 • Declaration of Terri Marsh in support of Motion to Proceed Anonymously
- 7 • Exhibit A to Declaration of Terri Marsh
- 8 • Exhibit B to Declaration of Terri Marsh
- 9 • Plaintiffs' Notice of Motion and Motion to Proceed Through Appointed Next  
10 Friend
- 11 • [Proposed] Order Granting Plaintiffs' Motion to Proceed Through Appointed  
12 Next Friend
- 13 • Declaration of Terri Marsh in support of Motion to Proceed Through Appointed  
14 Next Friend
- 15 • Declaration of Roe III in support of Motion to Proceed Through Appointed Next  
16 Friend
- 17 • *Pro hac vice* application of Terri Marsh
- 18 • [Proposed] Order Granting Terri Marsh *pro hac vice* application
- 19 • *Pro hac vice* application of Brian Pierce
- 20 • [Proposed] Order Granting Brian Pierce *pro hac vice* application

21 WHEREAS, Ms. Shah also emailed service copies to Mr. Friedman at email address  
22 bilfried@cisco.com of all other documents on the docket in the above-referenced case as of May  
23 27, 2011, consisting of the following in PDF format, on May 27, 2011:

- 24 • Summons on Defendant Owen Chan
- 25 • Summons on Defendant Thomas Lam
- 26 • Order Setting Initial CMC with Magistrate Judge Grewal
- 27 • Standing Order of Magistrate Judge Grewal in civil matters
- 28 • Standing Order of Magistrate Judge Grewal re: Settlement Conference Procedures

- 1 • Plaintiffs' Declination to Proceed Before Magistrate Judge Grewal
- 2 • Notice of Impending Reassignment of District Judge;

3 WHEREAS, Mr. Friedman acknowledged in a telephone conversation with Ms. Shah on  
4 June 3, 2011, that he had received service of the Summons and Complaint and other initiating  
5 documents as set forth above and that service on Defendants Cisco and Chambers was valid;

6 WHEREAS, Mr. Friedman also acknowledged in the June 3 telephone conversation with  
7 Ms. Shah that Cisco and Chambers had hired outside counsel and would be represented going  
8 forward by Kathleen Sullivan of the law firm Quinn Emanuel Urquhart & Sullivan, LLP ("Quinn  
9 Emanuel");

10 WHEREAS, on June 7, 2011, Ms. Shah spoke with Isaac Nesser ("Mr. Nesser"),  
11 associate counsel at Quinn Emanuel, and Mr. Nesser confirmed that Cisco and Chambers had  
12 been validly served with the Summons and Complaint and other initiating documents as set forth  
13 above;

14 WHEREAS, on June 16, 2011, Ms. Shah spoke again with Mr. Nesser, who confirmed  
15 that Quinn Emanuel had been authorized to accept service on Lam and Chan of the Summons  
16 and Complaint and other initiating documents as set forth above effective as of May 27, 2011;

17 WHEREAS Cisco, Chambers, Lam, and Chan (collectively, "Defendants") do each  
18 hereby acknowledge that service of the Summons and Complaint and other initiating documents  
19 as set forth above is valid and effective as to each of them as of May 27, 2011, and hereby waive  
20 any and all defense(s) and objections to service of process;

21 WHEREAS Defendants have expressed their intent to file a Motion to Dismiss the  
22 Complaint;

23 **NOW THEREFOR IT IS HEREBY STIPULATED**, by and between the Parties,  
24 through counsel for Plaintiffs and counsel for Defendants, that:

25 1. Subject to and in accordance with the recitations set forth above, service of the  
26 Summons and Complaint and other initiating documents as set forth above is valid and effective  
27 as to Defendants as of May 27, 2011.

28 2. Defendants hereby waive any and all defense(s) and objections to service of

1 process in the above-referenced action.

2 3. This Stipulation will constitute a valid Proof of Service upon filing with the  
3 Court.

4 4. The Parties hereby stipulate to the following briefing schedule on Defendants'  
5 forthcoming Motion to Dismiss:

6 a. Defendants' Motion to Dismiss and any and all supporting documents are  
7 due no later than August 4, 2011;

8 b. Plaintiffs' Opposition to the Motion to Dismiss and any and all supporting  
9 documents are due no later than October 12, 2011; and

10 c. Defendants' Reply and any and all supporting documents are due no later  
11 than November 14, 2011.

12  
13 DATED: June 17, 2011

SCHWARCZ, RIMBERG, BOYD &  
RADER, LLP

14  
15 By: /s/Rajika L. Shah  
16 Rajika L. Shah, Esq.  
17 Attorneys for Plaintiffs

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