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15 Attorneys for PLAINTIFFS

16 **UNITED STATES DISTRICT COURT FOR THE**  
17 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

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

21 Plaintiffs,

22 vs.

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

26 Defendants.

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

Assigned to the Hon. Jeremy Fogel, U.S.D.J

**DECLARATION OF RAJIKA SHAH IN  
SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
ADMINISTRATIVE MOTION  
REQUESTING A CHANGE OF  
HEARING DATE**

Action filed: May 19, 2011  
Hearing: July 29, 2011, 9:00am  
Courtroom: 3, 5th Floor

**DECLARATION OF RAJIKA SHAH**

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3 I, RAJIKA SHAH, declare as follows:

4 1. I am an attorney at law duly licensed to practice law in California and admitted to  
5 practice before the U.S. District Court for the Northern District of California. I am an  
6 associate with the law firm of Schwarcz, Rimberg, Boyd & Rader, LLP (“SRBR”), one of  
7 the attorneys of record for Plaintiffs. I am one of the attorneys responsible for this file and  
8 have personal knowledge of the facts stated herein, and if called as a witness I would and  
9 could competently testify thereto.

10 2. On June 7, 2011, I spoke with Isaac Nesser (“Mr. Nesser”), associate counsel at  
11 Quinn Emanuel Urquhart & Sullivan, LLP (“Quinn Emanuel”), counsel for Defendants  
12 Cisco Systems, Inc., John Chambers, Thomas Lam, and Owen Chan (collectively,  
13 “Defendants”). I informed Mr. Nesser that Plaintiffs intended to notice the hearing date on  
14 Plaintiffs’ Motion to Commence and Proceed as Pseudonymous Plaintiffs (“Motion to  
15 Proceed Anonymously”) and Motion to Commence and Proceed Through Appointed Next  
16 Friend (“Motion to Proceed Through Next Friend”) (together, “July 29 Motions”), which  
17 Plaintiffs filed on May 19, 2011, simultaneously with the Complaint, for July 29, 2011.  
18 Mr. Nesser did not indicate that counsel for Defendants would be unable to attend a  
19 hearing on July 29. He did ask whether Plaintiffs would be willing to postpone the hearing  
20 date until after the hearing on the motion to dismiss which Defendants expected to file. I  
21 indicated that I would confer with senior counsel for Plaintiffs regarding his request.

22 3. In subsequent email correspondence and telephone conversations between counsel  
23 for Plaintiffs and counsel for Defendants over the next several days, I and my co-counsel  
24 Terri Marsh (“Ms. Marsh”) indicated that Plaintiffs wished for the July 29 Motions to be  
25 heard on that date. At no time did counsel for Defendants ever indicate to me or my co-  
26 counsel that the July 29, 2011 hearing date would cause them undue prejudice.

27 4. On June 17, 2011, I again emailed counsel for Defendants to specifically ask if  
28 they had any objections to a hearing date of July 29 that would cause them or their clients

1 undue prejudice, as required by the San Jose Standing Order Re: Case Management in  
2 Civil Cases. I asked counsel to advise so that we could “meet” in a suitable form, such as  
3 a telephone conference, and confer, or, if counsel had no such objection, there would be  
4 no need to confer. The email response I received from counsel for Defendants attached  
5 comments to a draft stipulation between the parties regarding proof of service of the  
6 Summons and Complaint and an amended briefing schedule on Defendants’ expected  
7 motion to dismiss. It did not respond to my June 17 request to meet-and-confer regarding  
8 the July 29 hearing date. A true and correct copy of the June 17 email and response is  
9 attached hereto as Exhibit A.

10 5. I did not receive any further response from counsel for Defendants to my June 17  
11 email request to meet-and-confer regarding the July 29 hearing date.

12 6. On June 27, 2011, I received electronic notice via ECF of Defendants’  
13 administrative letter motion to postpone the July 29 hearing date.

14 7. Counsel for Plaintiffs were not informed prior to June 27, 2011, that counsel for  
15 Defendants intended to file an administrative motion on June 27 seeking to alter the  
16 briefing and hearing schedule for the July 29 Motions.

17 8. On June 29, 2011, Mr. Nesser called me and informed me that, prior to filing the  
18 Motion, he spoke with the Court clerk about the procedure for requesting a postponement  
19 of the July 29 hearing date. Mr. Nesser indicated that the clerk said the request could be  
20 made by letter or by motion, but that in any event it would be considered as an  
21 administrative motion. Mr. Nesser also informed me that the clerk had asked him to  
22 inform counsel for Plaintiffs of the motion prior to filing, and also that Plaintiffs’ response  
23 would be due within four (4) days. Mr. Nesser said he had just discovered that counsel for  
24 Plaintiffs had not been so informed, and thus would not object if Plaintiffs wished to have  
25 two additional days in which to file their opposition.

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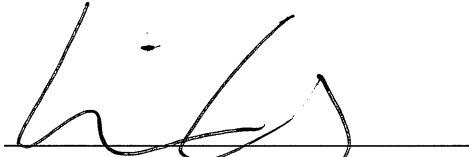
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I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 1st day of July 2011, at Los Angeles, California.



Rajika L. Shah

# EXHIBIT A

## Rajika Shah Esq.

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**From:** Kathleen Sullivan [kathleensullivan@quinnemanuel.com]  
**Sent:** Friday, June 17, 2011 1:22 PM  
**To:** Rajika Shah Esq.; Isaac Nesser  
**Cc:** 'Terri Marsh'; 'Lee Boyd'; Faith Gay  
**Subject:** RE: Doe I v. Cisco Systems, Inc. et al. / Stipulation on service and briefing schedule  
**Attachments:** 4201879\_Stip re service of process and m2d briefing schedule.DOC

Rajika,

Here are our proposed edits to the stip. If you are ok with them I will sign and return.

Thanks,  
Kathleen

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**From:** Rajika Shah Esq. [mailto:rshah@srbr-law.com]  
**Sent:** Friday, June 17, 2011 2:34 PM  
**To:** Isaac Nesser  
**Cc:** 'Terri Marsh'; 'Lee Boyd'; Kathleen Sullivan; Faith Gay  
**Subject:** RE: Doe I v. Cisco Systems, Inc. et al. / Stipulation on service and briefing schedule

Isaac,

Although when we spoke on the telephone yesterday you had indicated that the stipulation language seemed fine and that it was possible we could finalize the stipulation yesterday, we still have not had any comments from you. Do you have any comments, and if not, please let me know a firm time by which we will receive your signed version.

Also, regarding the July 29 hearing date, I note Kathleen's email from June 13 stating that "We see no point to putting your clients through the needless stress of a contested hearing on anonymity on July 29 when the issue need be addressed only if the case proceeds." If you have any objections to a hearing date of July 29th that would cause you or your clients undue prejudice as is required by the San Jose Standing Order re: case management in civil cases, please advise so that we can "meet" in some suitable form (e.g., telephone conference) and confer. If you have no such objection, of course there is no need to confer.

Best,  
Rajika

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**From:** Isaac Nesser [mailto:isaacnesser@quinnemanuel.com]  
**Sent:** Thursday, June 16, 2011 6:07 PM  
**To:** Rajika Shah Esq.  
**Cc:** 'Terri Marsh'; 'Lee Boyd'; Kathleen Sullivan; Faith Gay  
**Subject:** RE: Doe I v. Cisco Systems, Inc. et al. / Stipulation on service and briefing schedule

Rajika,

As I read Local rule 6-1(a), we don't need this to be so ordered. Agree?

Isaac

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**From:** Rajika Shah Esq. [mailto:rshah@srbr-law.com]  
**Sent:** Thursday, June 16, 2011 6:35 PM  
**To:** Isaac Nesser  
**Cc:** 'Terri Marsh'; 'Lee Boyd'  
**Subject:** Doe I v. Cisco Systems, Inc. et al. / Stipulation on service and briefing schedule