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

DOE I, DOE II, Ivy HE, DOE III, DOE IV,
DOE V, DOE VI, ROE VII, Charles LEE,
ROE VIII, and LIU Guifu, and those
individual similarly situated,

Plaintiffs,

vs.

CISCO SYSTEMS, INC., John CHAMBERS,
Thomas LAM, Owen CHAN, Fredy
CHEUNG, and DOES 1-100,

Defendants.

Case No. 5:11-cv-02449-EJD-PSGx
Assigned to the Hon. Edward J. Davila

**JOINT CASE MANAGEMENT
STATEMENT AND REQUEST FOR
CONTINUANCE OF CASE
MANAGEMENT CONFERENCE**

Action Filed: May 19, 2011
FAC Filed: Sept. 2, 2011

Conference: February 17, 2012
Time: 10:00 a.m.
Courtroom: 1, 5th Floor

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JOINT CASE MANAGEMENT STATEMENT

The Parties hereby submit the following Case Management Statement, and jointly request a continuance of the Case Management Conference ("CMC") scheduled for February 18, 2012.

Procedural Posture

1. The Parties filed a Joint Case Management Statement on September 16, 2011 and thereafter appeared for an initial case management conference before Judge Jeremy Fogel.
2. On September 26, 2011, this case was reassigned to the Hon. Edward J. Davila. Docket Item No. 69. The Court scheduled a CMC for February 17, 2012. Docket Item No. 71.
3. In October 2011, the Supreme Court of the United States granted certiorari in two cases involving legal issues potentially relevant here: *Kiobel v. Royal Dutch Petroleum* (No. 10-1491) ("*Kiobel*") and *Mohamad v. Rajoub* (No. 11-88) ("*Mohamad*"). Accordingly, by order dated November 9, 2011, this Court terminated Defendants' then-pending Motion to Dismiss the Complaint, without prejudice to such motion being re-filed after the Supreme Court decides *Kiobel* and *Mohamad*. Docket Item No. 79. The February CMC remained as scheduled. *Id.*

Case Management Update

4. The Parties have no material developments to report, and therefore incorporate and restate their September 16, 2011 Joint Case Management Statement (the "Prior Statement," filed as Docket Item No. 63 and attached hereto as Exhibit A) with the following minor updates:
 - a. Plaintiffs replace Prior Statement 2:13-16 (Statement of Facts) as follows: "eavesdrop, tap and intercept communications, identify, track, apprehend and torture Plaintiffs as Falun Gong practitioners and subject them to gross human rights abuses, all in violation of international, U.S., and California law."
 - b. Plaintiffs replace Prior Statement 6:28-7:3 (Statement Regarding Motions) as follows, to reflect recent events: "Plaintiffs also anticipate filing a motion for class certification pursuant to Fed. R. Civ. P. Rules 23(a) and 23(b)(3): (1) within sixty (60) days following the Supreme Court's decision in *Kiobel* and *Mohamad*, or (2) following the Court's decision on a renewed Motion to Dismiss filed by Defendants, if any, after the Supreme Court's decision in

1 *Kiobel* and *Mohamad* and the issuance of a protective order, whichever is later.”

2 c. Plaintiffs add to Prior Statement 7:24, to reflect recent events: “Plaintiffs
3 may file a motion for leave to amend the Complaint, if needed, based upon the Supreme Court’s
4 decision in *Kiobel* and *Mohamad* as well as any newly discovered evidence relevant to said
5 decisions, within thirty (30) days following the Supreme Court’s decision in *Kiobel* and
6 *Mohamad*.”

7 d. The Parties jointly supplement Prior Statement 11:18-24 (Settlement and
8 ADR) as follows, to reflect a recent teleconference with the Court’s staff: "On January 19, 2012,
9 the Parties participated in a teleconference with the Court’s ADR staff and it was agreed that the
10 ADR process should be postponed in light of this Court’s November 9 order. A further ADR
11 teleconference is scheduled for July 26, 2012."

12 e. Defendants replace Prior Statement 12:7-11 (Statement Regarding Other
13 References, sentence beginning "To this end") with the following, to reflect a recent event: "On
14 January 24, 2012, the *Daobin* court stayed Defendants’ response to the *Daobin* Complaint, and all
15 other proceedings in that action, until 30 days after the Supreme Court decides *Kiobel* and
16 *Mohamad*."

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Conclusion

In light of all the above, the Parties respectfully request that the CMC currently scheduled for February 17, 2012 be adjourned to a date within 30 days after the Supreme Court decides *Kiobel* and *Mohamad*. If that is acceptable, the Parties will contact the Court’s calendar clerk promptly following the Supreme Court’s resolution of *Kiobel* and *Mohamad*, in order to obtain a viable CMC date.

DATED: February 8, 2012

Respectfully submitted,

SCHWARCZ, RIMBERG, BOYD &
RADER, LLP

By: _____ /s/
K. Lee Crawford-Boyd, Esq.

HUMAN RIGHTS LAW FOUNDATION

By: _____ /s/
Terri E. Marsh, Esq. (*pro hac vice*)

LAW OFFICES OF JUDITH BROWN CHOMSKY

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