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

26 DOE I, DOE II, Ivy HE, DOE III, DOE IV,
27 DOE V, DOE VI, ROE VII, Charles LEE,
28 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**

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

Conference: March 23, 2012
Time: 10:00 a.m.
Courtroom: 1, 5th Floor

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JOINT CASE MANAGEMENT STATEMENT

Pursuant to notice, the Parties hereby submit the following Case Management Statement.

1. By order dated November 9, 2011 (Docket Item 76), this Court "order[ed] the Clerk of the Court to TERMINATE Defendants' Motion to Dismiss the First Amended Complaint (Docket Item No. 67) without prejudice to such motion being re-filed after the Supreme Court issues its opinion in [*Kiobel v. Royal Dutch Petroleum* (No. 10-1491)] and [*Mohamad v. Rajoub* (No. 11-88)]." *Kiobel* and *Mohamad* involve legal issues potentially relevant here. This Court's order set a case management conference for February 17, 2012.

2. On February 8, 2012, the Parties filed a joint case management statement requesting a continuance of the February 17, 2012 Case Management Conference ("CMC"), in light of *Kiobel* and *Mohamad*. This Court continued the CMC to March 23, 2012.

3. The Supreme Court heard oral argument in *Kiobel* and *Mohamad* on February 28, 2012. However, on March 5, 2012, the Supreme Court restored *Kiobel* to the calendar for reargument and directed the parties in that case to file supplemental briefs. Oral argument is expected to occur in the Fall Term of 2012.

4. Defendants have no new material developments to report. However, Plaintiffs provide the following notifications: Plaintiffs have newly discovered evidence and, at an appropriate time, will seek leave to amend their complaint to include new averments of fact.

5. In addition, the Parties disagree as to the timing of the CMC. Plaintiffs are available to attend the CMC as scheduled for March 23, 2012, and do not seek a further continuance. By contrast, in light of the Court's order terminating Defendants' motion to dismiss pending *Kiobel* and *Mohamad*, Defendants request that the case management conference scheduled for March 23, 2012 be adjourned to a date within 30 days after the Supreme Court decides *Kiobel* and *Mohamad*.

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1 DATED: March 16, 2012

Respectfully submitted,

2 SCHWARCZ, RIMBERG, BOYD &
3 RADER, LLP

4
5 By: /s/ K. Lee Crawford-Boyd
K. Lee Crawford-Boyd, Esq.

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

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17 By: /s/ Kathleen M. Sullivan
18 Kathleen M. Sullivan, Esq.¹

19 Attorneys for Defendants

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28 ¹ I have given my consent for Plaintiffs to electronically sign this Joint Case Management
Statement on my behalf.