

1 ROBERT T. HASLAM (State Bar No. 71134)
2 EMILY JOHNSON HENN (State Bar No. 269482)
3 COVINGTON & BURLING LLP
333 Twin Dolphin Dr., Suite 700
4 Redwood Shores, CA 94065
Telephone: (650) 632-4700
Facsimile: (650) 632-4800

5 DEBORAH A. GARZA, *pro hac vice*
6 JONATHAN HERCZEG, *pro hac vice*
7 COVINGTON & BURLING LLP
1201 Pennsylvania Ave., NW
8 Washington, DC 20004
Telephone: (202) 662-6000
Facsimile: (202) 662-6291

9 *Attorneys for Defendant Pixar*

10 [Additional counsel listed on signature page]

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

15 IN RE: HIGH-TECH EMPLOYEE
16 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

17 THIS DOCUMENT RELATES TO:

18 All Actions

**STIPULATION AND [PROPOSED]
ORDER REGARDING AMENDING
ANSWERS AND AFFIRMATIVE
DEFENSES**

19
20 This Stipulation and Proposed Order is entered into by and among the parties to the above
21 captioned actions.

22 **WHEREAS**, on May 21, 2012, Defendants filed answers to the Consolidated Amended
23 Complaint (Dkt Nos. 126, 127, 128, 129, 130, 131 & 132); and

24 **WHEREAS**, on June 7, 2012, Plaintiffs wrote to Defendants claiming various
25 deficiencies with respect to Defendants' affirmative defenses:

26 The parties agree as follows and request that the Court enter an Order approving this
27 Stipulation.
28

1 1. Defendants in the above-captioned cases shall have 21 days from the date of this
2 Stipulation to file amended answers and affirmative defenses. Defendants' amended answers and
3 affirmative defenses shall not include any new affirmative defenses. Without conceding that
4 Plaintiffs' arguments have merit, Defendants agree to consider Plaintiffs' arguments in an effort
5 to avoid motions practice.

6 2. Plaintiffs in the above-captioned cases shall have 21 days from the filing of each
7 Defendant's amended answer and affirmative defenses to seek relief pursuant to Rule 12(f).

8 3. Plaintiffs acknowledge that this Stipulation shall not foreclose Defendants from
9 seeking leave to amend or add affirmative defenses or specific denials after Defendants have filed
10 their amended answers and affirmative defenses.

11 Dated: June 14, 2012

COVINGTON & BURLING LLP

13 By: /s/
14 Emily Johnson Henn

15 Robert T. Haslam, III
16 Emily Johnson Henn
17 333 Twin Dolphin Drive, Suite 700
Redwood City, CA 94065
Telephone: (650) 632-4700

18 Deborah A. Garza, *pro hac vice*
19 Jonathan Herczeg, *pro hac vice*
COVINGTON & BURLING LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004
20 Telephone: (202) 662-6000
21 Facsimile: (202) 662-6291

22 *Attorneys for Defendant PIXAR*

1 Dated: June 14, 2012

O'MELVENY & MYERS LLP

2
3 By: /s/
Michael F. Tubach

4 George Riley
5 Michael F. Tubach
6 Lisa Chen
7 Christina J. Brown
8 Two Embarcadero Center, 28th Floor
9 San Francisco, CA 94111
10 Telephone: (415) 984-8700
11 Facsimile: (415) 984-8701

Attorneys for Defendant APPLE INC.

12 Dated: June 14, 2012

KEKER & VAN NEST LLP

13
14 By: /s/
Daniel Purcell

15 John W. Keker
16 Daniel Purcell
17 Eugene M. Page
18 Paula L. Blizzard
19 710 Sansome Street
20 San Francisco, CA 94111
21 Telephone: (415) 381-5400
22 Facsimile: (415) 397-7188

Attorneys for Defendant LUCASFILM LTD.

23 Dated: June 14, 2012

JONES DAY

24
25 By: /s/
David C. Kiernan

26 Robert A. Mittelstaedt
27 Craig A. Waldman
28 David C. Kiernan
Catherine T. Broderick
Craig E. Stewart
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

Attorneys for Defendant ADOBE SYSTEMS, INC.

1 Dated: June 14, 2012

JONES DAY

2
3 By: /s/
David C. Kiernan

4 Robert A. Mittelstaedt
5 Craig A. Waldman
6 David C. Kiernan
7 Catherine T. Broderick
8 Craig E. Stewart
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

9 *Attorneys for Defendant INTUIT INC.*

10 Dated: June 14, 2012

MAYER BROWN LLP

11
12 By: /s/
Lee H. Rubin

13 Lee H. Rubin
14 Edward D. Johnson
15 Donald M. Falk
16 Two Palo Alto Square
3000 El Camino Real, Suite 300
Palo Alto, CA 94306-2112
Telephone: (650) 331-2057
Facsimile: (650) 331-4557

17 *Attorneys for Defendant GOOGLE INC.*

18
19 Dated: June 14, 2012

BINGHAM McCUTCHEN LLP

20
21 By: /s/
Frank M. Hinman

22 Donn P. Pickett
23 Frank M. Hinman
24 Three Embarcadero Center
San Francisco, CA 94111
Telephone: (415) 393-2000
Facsimile: (415) 383-2286

25 *Attorneys for Defendant INTEL CORPORATION*

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

Dated: June 14, 2012

By: /s/
Kelly M. Dermody

Richard M. Heimann (State Bar No. 63607)
Kelly M. Dermody (State Bar No. 171716)
Eric B. Fastiff (State Bar No. 182260)
Brendan Glackin (State Bar No. 199643)
Dean Harvey (State Bar No. 250298)
Anne B. Shaver (State Bar No. 255928)
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, California 94111-3339
Telephone: 415.956.1000
Facsimile: 415.956.1008

Co- Lead Counsel for Plaintiff Class

Dated: June 14, 201

SAVERI LAW FIRM

By: /s/
Joseph R. Saveri

Joseph R. Saveri (State Bar No. 130064)
SAVERI LAW FIRM
255 California, Suite 450
San Francisco, California 94111
Telephone: 415.500.6800
Facsimile: 415.500.6803

Co- Lead Counsel for Plaintiff Class

ATTESTATION: Pursuant to General Order 45, Part X-B, the filer attests that concurrence in the filing of this document has been obtained from all signatories.

SO ORDERED.

Dated: June 15, 2012

By: Lucy H. Koh
Honorable Lucy H. Koh
United States District Judge