

E-Filed 8/18/2011

1 COOLEY LLP
 2 MICHAEL G. RHODES (116127)
 (rhodesmg@cooley.com)
 3 MATTHEW D. BROWN (196972)
 (brownmd@cooley.com)
 101 California Street, 5th Floor
 4 San Francisco, CA 94111-5800
 Telephone: (415) 693-2000
 5 Facsimile: (415) 693-2222

MILBERG LLP
 JEFF S. WESTERMAN (94559)
 (jwesterman@milberg.com)
 DAVID E. AZAR (218319)
 (dazar@milberg.com)
 One California Plaza
 300 S. Grand Avenue, Suite 3900
 Los Angeles, CA 90071
 Telephone: (213) 617-1200
 Facsimile: (213) 617-1975

6 Attorneys for Defendant Facebook, Inc.

Attorneys for Plaintiffs

8 REESE RICHMAN LLP
 MICHAEL R. REESE (206773)
 (michael@reeserichman.com)
 875 Avenue of the Americas, 18th Floor
 New York, New York 10001
 Telephone: (212) 643-0500
 11 Facsimile: (212) 253-4272

12 Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 RYAN UNG, CHI CHENG and ALICE
 ROSEN, on Behalf of Themselves and
 18 All Others Similarly Situated,

Case No. 11-CV-02829-JF-PSG

**STIPULATION AND [PROPOSED] ORDER
 REGARDING CONTINUANCE OF CMC
 (CIV. L.R. 6-1(B))**

19 Plaintiffs,

20 v.

21 FACEBOOK, INC.,

22 Defendant.

Courtroom: 3
 Judge: Jeremy Fogel
 Trial Date: None Set

24 This Stipulation is entered into by and among plaintiffs Ryan Ung, Chi Cheng, and Alice
 25 Rosen (collectively "Plaintiffs") and defendant Facebook, Inc. ("Facebook") (Plaintiffs and
 26 Facebook collectively "the Parties"), by and through their respective counsel.

1 WHEREAS, on July 20, 2011, Facebook filed a Motion to Dismiss Plaintiffs' Class
2 Action Complaint;

3 WHEREAS, pursuant to a stipulated Order, Plaintiffs' opposition to the Motion to
4 Dismiss is due on September 1, 2011, and Facebook's reply in support of the Motion to Dismiss
5 is due on September 28, 2011;

6 WHEREAS, pursuant to the stipulated Order, the earliest date for hearing the Motion to
7 Dismiss would be October 12, 2011;

8 WHEREAS, based on communications with this Court's staff, the Parties understand that
9 Judge Fogel, to whom this action is assigned, will be leaving the bench in October 2011 to
10 become Director of the Federal Judicial Center, at which time this case will be reassigned to a
11 new Judge;

12 WHEREAS, this Court instructed the Parties to submit their briefing on the Motion to
13 Dismiss and that a hearing date and time will be set once the case is reassigned to a new Judge;

14 WHEREAS, a Case Management Conference currently is scheduled for August 26, 2011,
15 at 10:30 a.m.;

16 WHEREAS, the Parties believe that it would be a more efficient use of the Court's and the
17 Parties' resources to hold the Case Management Conference once briefing on the Motion to
18 Dismiss has been completed and once the case has been reassigned to a new Judge;

19 WHEREAS, there have been no previous modifications to the Case Management
20 Conference date; and

21 WHEREAS, the agreed-upon continuance of the Case Management Conference date
22 would not affect any other aspect of the case schedule.

23 NOW, THEREFORE, the Parties hereby stipulate and agree, subject to approval by the
24 Court, as follows:

25 1. The Case Management Conference currently scheduled for August 26, 2011, at
26 10:30 a.m., is vacated.

27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. The Case Management Conference will be reset once the case is reassigned to a new Judge, to be held on or after October 12, 2011 (the earliest date for hearing the Motion to Dismiss pursuant to an earlier-entered stipulated Order).

IT IS SO STIPULATED.

Dated: August 16, 2011

COOLEY LLP

/s/ Matthew D. Brown
Matthew D. Brown
Attorneys for Defendant FACEBOOK, INC.

Dated: August 16, 2011

REESE RICHMAN LLP

/s/ Michael R. Reese
Michael R. Reese
Attorneys for Plaintiffs

IT IS SO ORDERED.

DATED: August 18, 2011

HON. JEREMY FOGLER
UNITED STATES DISTRICT JUDGE



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Matthew D. Brown, attest that concurrence in the filing of this STIPULATION AND [PROPOSED] ORDER REGARDING CONTINUANCE OF CMC has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of August, 2011, at San Francisco, California.

/s/ Matthew D. Brown
Matthew D. Brown

1231696 v1/SF