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

13

14 PERRIN AIKENS DAVIS, PETERSEN
 GROSS, DR. BRIAN K. LENTZ,
 15 TOMMASINA IANNUZZI, TRACY
 SAURO, JENNIFER SAURO, and LISA
 16 SABATO, individually and on behalf of all
 others similarly situated,

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Plaintiffs,

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v.

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20 FACEBOOK, INC.,
 a Delaware Corporation

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Defendant.

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Case No. 11-CV-04834-EJD-PSG

**STIPULATED REQUEST FOR AN ORDER
 GRANTING A STAY AND ~~PROPOSED~~
 ORDER (CIV. L.R. 6-2)**

ACTION FILED: September 30, 2011

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Plaintiffs Perrin Aikens Davis, Petersen Gross, Dr. Brian K. Lentz, Tommasina Iannuzzi, Tracy Sauro, Jennifer Sauro, and Lisa Sabatao (collectively, the “Plaintiffs”), and defendant Facebook, Inc. (“Facebook”) (collectively, the “Parties”) by and through their respective counsel, hereby make a stipulated request for an Order staying all proceedings and deadlines in this action until thirty (30) days after the Panel on Multidistrict Litigation (“Panel”) has issued a ruling on the currently pending motion for coordination or consolidation of this and other actions captioned

1 *In re Facebook Internet Tracking Litigation* (MDL No. 2314) (“MDL Motion”). This request is
2 made pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil Local Rule 6-2 and is
3 supported by the concurrently-filed Declaration of Kyle C. Wong.

4 WHEREAS, the complaint in the above-captioned action was filed on September 30, 2011
5 and alleges, among other things, that Facebook collected data regarding Facebook users’ Internet
6 activity without their consent while those users were logged out of their Facebook accounts;

7 WHEREAS, thirteen other highly-similar actions have since been filed in this and other
8 district courts across the country (together with the above-captioned action, the “Related
9 Actions”), also alleging that Facebook collected data regarding Facebook users’ Internet activity
10 without their consent while those users were logged out of their Facebook accounts, and the
11 Parties anticipate that other complaints with similar allegations are likely to be filed;

12 WHEREAS, Plaintiffs in this action filed the MDL Motion to transfer eleven of these
13 actions (those of the Related Actions that had been filed at the time), including the above-
14 captioned action, to the Northern District of California for pretrial coordination or consolidation
15 pursuant to 28 U.S.C. Section 1407 (Mot. to Transfer and Consolidate, *In re Facebook Internet*
16 *Tracking Litig.* (MDL No. 2314 Dkt. No. 3 at 1);

17 WHEREAS, Facebook will support the pretrial coordination or consolidation of the
18 Related Actions and intends to file a notice of tag-along actions requesting transfer and
19 coordination or consolidation of the three related actions filed after the MDL Motion;

20 WHEREAS, the Parties anticipate, given the similarities among the Related Actions, that
21 the Panel will grant the MDL Motion;

22 WHEREAS, Facebook’s current deadline to answer, move to dismiss, or otherwise
23 respond to Plaintiffs’ Complaint is December 2, 2011;

24 WHEREAS, pursuant to Your Honor’s Order of Oct. 26, 2011, the Court has scheduled a
25 Case Management Conference for January 6, 2012 (*Davis, et al. v. Facebook, Inc.*, Dkt. No. 16);

26 WHEREAS, the Parties have not previously requested any time modifications in the case;

27 WHEREAS, there have been no previous time modifications in the case, other than in the
28 Order of Oct. 26, 2011, whether by stipulation or court order;

1 WHEREAS, in light of the high probability that this action will be consolidated with the
2 Related Actions, the Parties respectfully submit that a brief stay of this action would promote
3 efficiency and the interests of justice;

4 WHEREAS, stays of this type have already been granted in three of the Related Actions
5 (Order Granting Stay, *Thompson v. Facebook, Inc.*, No. 11-cv-04256 (W.D. Mo. Oct. 26, 2011);
6 Order Granting Stay, *Hoffman v. Facebook, Inc.*, No. 5:11-cv-00166 (W.D. Ky. Dec. 2, 2011);
7 Order Granting Stay, *Graham v. Facebook, Inc.*, No. 2:11-cv-00166 (D. Kan. Dec. 3, 2011)); and

8 WHEREAS, the Parties believe the stay is not likely to be overly lengthy as briefing on
9 the MDL Motion is due to be completed on November 15, 2011 and the MDL Motion is expected
10 to be heard by the Panel at its January 26, 2012 hearing in Miami, Florida.

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12 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned counsel for
13 Plaintiffs and Facebook, that:

14 1. All proceedings and deadlines in the above-captioned action are stayed until thirty
15 (30) days after the Panel on Multidistrict Litigation rules on the MDL Motion or until further
16 order of this Court;

17 2. This stay shall include a continuance of Facebook's deadline to answer, move to
18 dismiss, or otherwise respond to Plaintiff's Complaint;

19 3. Any obligations for the parties to meet and confer regarding initial disclosures
20 under FRCP 26(f) and obligations to file ADR certifications or Notice of Need for ADR Phone
21 Conference pursuant to ADR L.R. 3-5 and Civil L.R. 16-8 are stayed until further Order from the
22 Court; and

23 4. Nothing in this Order shall prohibit any party in the above-captioned action from
24 petitioning the court to lift the stay as events warrant.

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Dated: November 7, 2011

COOLEY LLP

/s/ Jeffrey M. Gutkin
JEFFREY M. GUTKIN

Attorneys for Defendant FACEBOOK, INC.

Dated: November 7, 2011

/s/ David A. Straite
DAVID A. STRAITE

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LENTZ, TOMMASINA IANNUZZI, TRACY
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SABATO (plaintiffs in the above-captioned
action)

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~~PROPOSED~~ ORDER

The above stipulation having been considered and good cause appearing therefore, the stipulated request for a temporary stay of this action is granted until either (1) thirty (30) days after the MDL Panel has issued a ruling on on the currently pending motion for coordination or consolidation OR (2) March 30, 2012, whichever date occurs earlier. The parties may apply for an extension of this temporary stay should the circumstances so require.

IT IS SO ORDERED.



The Honorable Edward J. Davila
UNITED STATES DISTRICT JUDGE

DATED: November 8, 2011