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8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 PERRIN AIKENS DAVIS, PETERSEN  
 13 GROSS, DR. BRIAN K. LENTZ,  
 TOMMASINA IANNUZZI, TRACY SAURO,  
 14 JENNIFER SAURO, and LISA SABATO,  
 Individually and on Behalf of All Others  
 Similarly Situated,

15  
 16 Plaintiffs,

17 v.

18 FACEBOOK, INC.,  
 a Delaware Corporation

19 Defendant.

Case No. 5:11-cv-04834-EJD

Related Case Nos.: 5:11-cv-04935-EJD;  
 5:12-cv-00370-EJD

In Re Facebook Internet Tracking  
 Litigation No. 5:12-md-02314-EJD

Action Filed: September 30, 2011

20 LANA BRKIC,  
 Individually and on Behalf of All Others  
 21 Similarly Situated,

22 Plaintiff,

23 v.

24 FACEBOOK, INC., a Delaware Corporation,  
 and DOES 1-10,

25 Defendants.

Case No. 5:11-cv-04935-EJD

Related Case Nos.: 5:11-cv-04834-EJD;  
 5:12-cv-00370-EJD

In Re Facebook Internet Tracking  
 Litigation Case No. 5:12-md-02314-EJD

Action Filed: October 5, 2011

1 JULIAN CARROLL, On Behalf of Himself and  
All Others Similarly Situated,

2 Plaintiff,

3 v.

4 FACEBOOK, INC., a Delaware Corporation,

5 Defendant.

6  
7 ALEXANDRIA PARRISH, Individually and on  
Behalf of All Others Similarly Situated,

8 Plaintiff,

9 v.

10 FACEBOOK, INC., and DOES 1 Through 10,

11 Defendants.

12 SHARON BEATTY, Individually and on  
Behalf of All Others Similarly Situated,

13 Plaintiff,

14 v.

15 FACEBOOK, INC., and DOES 1 Through 10,

16 Defendants.

17 BROOKE RUTLEDGE, Individually and on  
Behalf of All Others Similarly Situated,

18 Plaintiff,

19 v.

20 FACEBOOK, INC. and DOES 1 through 10,

21 Defendants.

22  
23 JOHN GRAHAM, Individually and on  
Behalf of All Others Similarly Situated,

24 Plaintiff,

25 v.

26 FACEBOOK, INC., and DOES 1 Through 10,

27 Defendants.

Case No. 5:12-cv-00370-EJD

Related Case Nos.: 5:11-cv-04834-  
EJD; 5:11-cv-04935-EJD

In Re Facebook Internet Tracking  
Litigation Case No. 5:12-md-02314-EJD

Action Filed: January 24, 2012

Case No. 5:12-cv-00667-EJD

In Re Facebook Internet Tracking  
Litigation Case No. 5:12-md-02314-EJD

Action Filed: October 7, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00668-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 7, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00669-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 12, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00673-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 5, 2011  
Transferred February 8, 2012

1 DAVID M. HOFFMAN, Individually and on  
2 Behalf of All Others Similarly Situated,  
3  
4 Plaintiff,  
5  
6 v.  
7  
8 FACEBOOK, INC. and DOES 1 through 10,  
9 Defendants.  
10  
11 JANET SEAMON, Individually and on Behalf  
12 of All Others Similarly Situated,  
13  
14 Plaintiff,  
15  
16 v.  
17  
18 FACEBOOK, INC. and DOES 1 through 10,  
19 Defendants.  
20  
21 CHANDRA L. THOMPSON, Individually and  
22 on Behalf of All Others Similarly Situated,  
23  
24 Plaintiff,  
25  
26 v.  
27  
28 FACEBOOK, INC. and DOES 1 through 10,  
Defendants.

Case No. 5:12-cv-00674-EJD  
In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 7, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00675-EJD  
In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 10, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00676-EJD  
In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: September 30, 2011  
Transferred February 8, 2012

Case No. 5:12-cv-00796-EJD  
In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: November 21, 2011  
Transferred February 17, 2012

Case No. 5:12-cv-00797-EJD  
In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 18, 2011  
Transferred February 17, 2012

1 JEANNE M. WALKER, Individually and on  
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 FACEBOOK, INC. and DOES 1 through 10,

6 Defendants.

7 JACQUELINE BURDICK, Individually and  
8 on Behalf of All Others Similarly Situated,

9 Plaintiff,

10 v.

11 FACEBOOK, INC. and DOES 1 through 10,

12 Defendants.

13 EDWARD STRAVATO,

14 Plaintiff,

15 v.

16 FACEBOOK, INC.; JOHN DOE 1-10,

17 Defendants.

18 MATTHEW J. VICKERY, and Other Persons  
19 Similarly Situated,

20 Plaintiff,

21 v.

22 FACEBOOK, INC., DOES 1 thru 10,

23 Defendants.

24 PATRICK K. MALONEY, Individually and on  
25 Behalf of All Others Similarly Situated

26 Plaintiff,

27 v.

28 FACEBOOK, INC., DOES 1 THROUGH 10,

Defendants.

Case No. 5:12-cv-00798-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 20, 2011  
Transferred February 17, 2012

Case No. 5:12-cv-00799-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: October 25, 2011  
Transferred February 17, 2012

Case No. 5:12-cv-00800-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: December 14, 2011  
Transferred February 17, 2012

Case No. 5:12-cv-00801-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: November 14, 2011  
Transferred February 17, 2012

Case No. 5:12-cv-00824-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: January 25, 2012  
Transferred February 21, 2012

1 JOON KHANG, Individually and On  
2 Behalf of All Others Similarly Situated,

3 Plaintiff,

4 v.

5 FACEBOOK, INC.,

6 Defendant.

Case No. 5:12-cv-00825-EJD

In Re Facebook Internet Tracking  
Litigation No. 5:12-md-02314-EJD

Action Filed: February 1, 2012  
Transferred February 21, 2012

7  
8 **JOINT STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT**  
9 **UNTIL FURTHER ORDER OF THE COURT TO ALLOW FOR A CASE MANAGEMENT**  
10 **CONFERENCE FOR ALL CASES TRANSFERRED BY THE MDL PANEL IN THE ACTION**  
11 **ENTITLED *IN RE FACEBOOK INTERNET TRACKING LITIGATION***  
12 **CASE NO. 5:12-md-02314-EJD (Civ. L.R. 6-2)**

13 Pursuant to Civil Local Rule 6-2, this Stipulation is entered into by and among the  
14 plaintiffs in the above-captioned cases (collectively "Plaintiffs") and Defendant Facebook, Inc.  
15 ("Facebook") (collectively, the "Parties") by and through their respective counsel.

16 WHEREAS Plaintiffs filed their initial Class Action Complaints ("Complaints") between  
17 September 30, 2011 and February 1, 2012 (*See Davis v. Facebook, Inc.*, No. 5:11-cv-04834-EJD,  
18 Dkt. 1; *Brkic v. Facebook, Inc.*, No. 5:11-cv-04935-EJD, Dkt. 1; *Carroll v. Facebook, Inc.*,  
19 No. 5:12-cv-00370-EJD, Dkt. 1; *Parrish v. Facebook, Inc.*, No. 5:12-cv-00667-EJD, Dkt. 1;  
20 *Beatty v. Facebook, Inc.*, No. 5:12-cv-00668-EJD, Dkt. 1; *Rutledge v. Facebook, Inc.*, No. 5:12-  
21 cv-00669-EJD, Dkt. 1; *Graham v. Facebook, Inc.*, No. 5:12-cv-00673-EJD, Dkt. 1; *Hoffman v.*  
22 *Facebook, Inc.*, No. 5:12-cv-00674-EJD, Dkt. 1; *Seamon v. Facebook, Inc.*, No. 5:12-cv-00675-  
23 EJD, Dkt. 1; *Thompson v. Facebook, Inc.*, No. 5:12-cv-00676-EJD, Dkt. 1; *Campbell v.*  
24 *Facebook, Inc.*, No. 5:12-cv-00796-EJD, Dkt. 1; *Quinn v. Facebook, Inc.*, No. 5:12-cv-00797-  
25 EJD, Dkt. 1; *Walker v. Facebook, Inc.*, No. 5:12-cv-00798-EJD, Dkt. 1; *Burdick v. Facebook,*  
26 *Inc.*, No. 5:12-cv-00799-EJD, Dkt. 1; *Stravato v. Facebook, Inc.*, No. 5:12-cv-00800-EJD, Dkt. 1;  
27 *Vickery v. Facebook, Inc.*, No. 5:12-cv-00801-EJD, Dkt. 1; *Maloney v. Facebook, Inc.*, No. 5:12-  
28 cv-00824-EJD, Dkt. 1; and *Khang v. Facebook, Inc.*, No. 5:12-cv-00825-EJD, Dkt. 1);

1 WHEREAS Facebook has waived service of the *Beatty, Carroll, Stravato, and Maloney*  
2 Complaints thereby extending Facebook's time to answer, move to dismiss, or otherwise respond  
3 to those Complaints;<sup>1</sup>

4 WHEREAS the Parties in *Davis, Brkic, Parrish, Rutledge, Graham, Hoffman, Seamon,*  
5 *Thompson, Campbell, Quinn, Walker, Burdick, Vickery, and Khang* have filed various motions  
6 for stays or extensions of time in their various districts for Facebook to answer, move to dismiss,  
7 or otherwise respond to the Complaints,<sup>2</sup> which the courts have granted;<sup>3</sup>

8  
9 <sup>1</sup> See *Beatty v. Facebook, Inc.*, 5:12-cv-00668-EJD (service waived thereby extending Facebook's  
10 response deadline to March 19, 2012); *Carroll v. Facebook, Inc.*, No. 5:12-cv-00370-EJD  
11 (service waived thereby extending Facebook's response deadline to March 30, 2012); *Stravato v.*  
12 *Facebook, Inc.*, No. 5:12-cv-00800-EJD (service waived thereby extending Facebook's response  
13 deadline to April 30, 2012); *Maloney v. Facebook, Inc.*, No. 5:12-cv-00824-EJD (service waived  
14 thereby extending Facebook's response deadline to April 2, 2012).

15 <sup>2</sup> See *Davis v. Facebook, Inc.*, No. 5:11-cv-04834-EJD, Dkt. 18; *Brkic v. Facebook, Inc.*, No.  
16 5:11-cv-04935-EJD, Dkt. 1; *Parrish v. Facebook, Inc.*, No. 5:12-cv-00667-EJD, Dkt. 8; *Rutledge*  
17 *v. Facebook, Inc.*, No. 5:12-cv-00669-EJD, Dkt. 6; *Graham v. Facebook, Inc.*, No. 5:12-cv-  
18 00673-EJD, Dkt. 3; *Hoffman v. Facebook, Inc.*, No. 5:12-cv-00674-EJD, Dkt. 5; *Seamon v.*  
19 *Facebook, Inc.*, No. 5:12-cv-00675-EJD, Dkt. 5; *Thompson v. Facebook, Inc.*, No. 5:12-cv-  
20 00676-EJD, Dkt. 4; *Campbell v. Facebook, Inc.*, No. 5:12-cv-00796-EJD, Dkt. 8; *Quinn v.*  
21 *Facebook, Inc.*, No. 5:12-cv-00797-EJD, Dkt. 8; *Walker v. Facebook, Inc.*, No. 5:12-cv-00798-  
22 EJD, Dkt. 4; *Burdick v. Facebook, Inc.*, No. 5:12-cv-00799-EJD, Dkt. 8; *Vickery v. Facebook,*  
23 *Inc.*, No. 5:12-cv-00801-EJD, Dkt. 5; and *Khang v. Facebook, Inc.*, No. 5:12-cv-00825-EJD, Dkt.  
24 5.

25 <sup>3</sup> See *Davis v. Facebook, Inc.*, 5:11-cv-04834-EJD, Dkt. 19 (order granting a stay; response  
26 deadline of April 2, 2012); *Brkic v. Facebook, Inc.*, No. 5:11-cv-04935-EJD, Dkt. 13 (order  
27 staying case, response deadline of April 19, 2012); *Parrish v. Facebook, Inc.*, No. 5:12-cv-00667-  
28 EJD, Dkt. 8 (order granting motion to stay, response deadline of March 22, 2012); *Rutledge v.*  
*Facebook, Inc.*, No. 5:12-cv-00669-EJD, Dkt. 7 (order staying case, response deadline pending  
further order by the court); *Graham v. Facebook, Inc.*, 5:12-cv-00673-EJD, Dkt. 4 (order granting  
a stay; response deadline of April 9, 2012); *Hoffman v. Facebook, Inc.*, No. 5:12-cv-00674-EJD,  
Dkt. 11 (order granting a stay; response deadline of April 9, 2012); *Seamon v. Facebook, Inc.*,  
No. 5:12-cv-00675-EJD, Dkt. 6 (order granting stay of proceedings; response deadline of March  
30, 2012); *Thompson v. Facebook, Inc.*, No. 5:12-cv-00676-EJD, Dkt. 6 (order granting joint  
motion to stay; response deadline of April 2, 2012); *Campbell v. Facebook, Inc.*, No. 5:12-cv-  
00796-EJD, Dkt. 12 (order granting joint motion for a stay; response deadline of March 26,  
2012); *Quinn v. Facebook, Inc.*, No. 5:12-cv-00797-EJD, Dkt. 14 (order granting stay of  
proceedings; response deadline of March 19, 2012); *Walker v. Facebook, Inc.*, No. 5:12-cv-  
00798-EJD, Dkt. 8 (order granting motion to stay proceeding; response deadline of April 2,  
2012); *Burdick v. Facebook, Inc.*, No. 5:12-cv-00799-EJD, Dkt. 10 (order granting stay of  
proceedings; response deadline of April 2, 2012); *Vickery v. Facebook, Inc.*, No. 5:12-cv-00801-  
EJD, Dkt. 6 (order to stay action; response deadline of April 3, 2012); and *Khang v. Facebook,*  
*Inc.*, No. 5:12-cv-00825-EJD, Dkt. 8 (order granting a stay; response deadline of May 10, 2012).

1           WHEREAS the current deadlines for Facebook to answer, move to dismiss, or otherwise  
2 respond to the Complaints are between March 19, 2012 and May 10, 2012;

3           WHEREAS under Civil Local Rule 6-2, parties may stipulate in writing to extend the time  
4 within which to answer, move to dismiss, or otherwise respond to the Complaints;

5           WHEREAS extending the date for Facebook to answer, move to dismiss, or otherwise  
6 respond to the Complaints in the above-captioned actions until further order of this Court will not  
7 alter the date of any events or deadlines already fixed by Court order and will allow for an  
8 omnibus Case Management Conference (“CMC”) for all cases transferred to the Northern District  
9 of California by the United States Judicial Panel on Multidistrict Litigation (the “MDL Panel”) in  
10 the action entitled *In Re Facebook Internet Tracking Litigation*, MDL No. 2314 (the “MDL  
11 Cases”) assigned case no. 5:12-md-02314-EJD);

12           WHEREAS a CMC has been set by the Court for March 30, 2012 at 1:30pm in the above-  
13 captioned cases with a joint CMC statement due on March 23, 2012<sup>4</sup>;

14           WHEREAS extending the date for Facebook to file responsive pleadings will promote  
15 judicial efficiency and conserve party resources by allowing an initial CMC in which all parties in  
16 the MDL Cases will have the opportunity to receive the Court’s guidance and instruction as to,  
17 *inter alia*, whether a consolidated, amended complaint covering all the transferred actions should  
18 be prepared and how best to structure and schedule initial motion practice;

19           WHEREAS without this extension, the individual cases would proceed on separate tracks  
20 for initial motion practice, as Facebook will be forced to respond to the Complaints before a  
21 CMC, and such responses (and any oppositions or replies to those initial motion practices filed by  
22 Plaintiffs or Facebook) would later be entirely mooted if a consolidated, amended complaint were  
23 filed;

24           WHEREAS the brief extension of time requested here will have no effect on the overall  
25 schedule of the above-captioned case;

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28 <sup>4</sup> See *In re: Facebook Internet Tracking Litigation*, 5:12-md-02314-EJD, Dkt. 2.

1 WHEREAS on February 23, 2012, Facebook filed a joint stipulation to extend time to  
2 respond to initial complaint until further order of the court in *Howard v. Facebook, Inc.*, No.  
3 5:12-cv-00671-EJD, also pending in *In Re Facebook Internet Tracking Litigation*, No. 5:12-md-  
4 02314-EJD, which the Court granted on February 24, 2012;<sup>5</sup>

5 WHEREAS courts that have presided over multiple cases transferred through MDL Panel  
6 proceedings have routinely issued orders that establish uniform dates for filings in consolidated  
7 pretrial proceedings, (an example of which is provided as Exhibit I to the supporting Declaration  
8 of Amy E. Nash);

9 NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

10 1. Facebook's deadline to answer, move to dismiss, or otherwise respond to the  
11 Complaint in each action is continued until further order of the Court; and

12 2. The CMC's in *Davis, et al. v. Facebook Inc.*, 5:11-cv-04834-EJD, previously set  
13 for March 30, 2012 at 10:00am, see Dkt. 27, and *Carroll v. Facebook Inc.*, 5:12-cv-00370-EJD,  
14 also previously set for March 30, 2012 at 10:00am, see Dkt. 11, ~~are hereby cancelled in lieu of the~~  
15 ~~CMC now scheduled in *In re: Facebook Internet Tracking Litigation*, 5:12-md-02314-EJD, on~~  
16 ~~March 30, 2012 at 1:30pm.~~ shall be rescheduled to March 30, 2012, at 1:30 p.m., if not  
already scheduled accordingly.

17 **IT IS SO STIPULATED.**

18 Dated: March 6, 2012

COOLEY LLP

19  
20 /s/ Jeffrey M. Gutkin  
Jeffrey M. Gutkin (216083)

21  
22 Attorneys for Defendant FACEBOOK, INC.

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28 <sup>5</sup> See *Howard v. Facebook, Inc.*, No. 5:12-cv-00671-EJD, Dkt. 29.

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Dated: March 6, 2012

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Dated: March 6, 2012

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**ATTESTATION**

I, Jeffrey M. Gutkin, am the ECF user whose ID and password are being used to file this STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT UNTIL FURTHER ORDER OF THE COURT TO ALLOW FOR A CASE MANAGEMENT CONFERENCE FOR ALL CASES TRANSFERRED BY THE MDL PANEL IN THE ACTION ENTITLED IN RE FACEBOOK INTERNET TRACKING LITIGATION, MDL No. 2314 (Civ. L.R. 6-2) I hereby attest that I have the concurrences for any signatures indicated by a “conformed” signature (/s/) within this e-filed document .

/s/ Jeffrey M. Gutkin  
Jeffrey M. Gutkin

**CERTIFICATE OF SERVICE**  
**(FRCP 5)**

The undersigned certifies that the foregoing document, together with the **[PROPOSED]** **ORDER GRANTING STIPULATION TO EXTEND TIME TO RESPOND TO INITIAL COMPLAINT UNTIL FURTHER ORDER OF THE COURT TO ALLOW FOR A CASE MANAGEMENT CONFERENCE FOR ALL CASES TRANSFERRED BY THE MDL PANEL IN THE ACTION ENTITLED IN RE FACEBOOK INTERNET TRACKING LITIGATION CASE NO. 5:12-MD-02314-EJD** (Civ. L.R. 6-2) was served on all counsel who are deemed to have consented to electronic service in each of the cases captioned Local Rule CV 5(a).

/s/ Amy E. Nash  
Amy E. Nash

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