

1 STEVEN J. SKIKOS (SBN 148110)
 sskikos@skikos Crawford.com
 2 MARK G. CRAWFORD (SBN 136501)
 mcrawford@skikos Crawford.com
 3 SKIKOS, CRAWFORD, SKIKOS &
 JOSEPH LLP
 4 625 Market Street, 11th Floor
 San Francisco, CA 94105
 5 Telephone: (415) 546-7300
 Facsimile: (415) 546-7301

6 Attorneys for Plaintiffs

7
 8 LANCE A. ETCHEVERRY (SBN 199916)
 lance.etcheverry@skadden.com
 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 9 300 S. Grand Avenue, Suite 3400
 Los Angeles, California 90071-3144
 10 Telephone: (213) 687-5000
 Facsimile: (213) 687-5600

11 Attorneys for Defendant
 12 SAMSUNG ELECTRONICS AMERICA,
 INC.

13 *Additional counsel listed on signature page*

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

17 ROWENA SILVERA and ANDREW)	CASE NO.: CV-11-05821 EJD
18 SANDERS, Individually, and on Behalf of)	
19 all Similarly Situated Persons,)	STIPULATION RE: EXTENSION OF
)	TIME FOR DEFENDANT SAMSUNG
20 Plaintiffs,)	ELECTRONICS AMERICA, INC. TO
)	RESPOND TO COMPLAINT AND
21 v.)	[PROPOSED] ORDER EXTENDING TIME
)	TO RESPOND TO COMPLAINT
22 CARRIER IQ, INC., SAMSUNG)	
23 ELECTRONICS AMERICA, INC., HTC)	
24 AMERICA INC., AT&T, INC., SPRINT)	
COMMUNICATIONS COMPANY, L.P.,)	
JOHN DOE MANUFACTURERS (1-10),)	
JOHN DOE CARRIERS (1-10),)	
25 Defendants.)	

1 WHEREAS the above-referenced plaintiffs filed the above-captioned case;

2 WHEREAS the above-referenced plaintiffs allege violations of the Federal Wiretap Act and
3 other laws by the defendants in this case;

4 WHEREAS over 50 other complaints have been filed to-date in federal district courts
5 throughout the United States by plaintiffs purporting to bring class actions on behalf of cellular
6 telephone and other device users on whose devices software made by defendant Carrier IQ, Inc. is
7 or has been embedded (collectively, including the above-captioned matter, the “CIQ cases”);

8 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation to
9 transfer the CIQ cases to this jurisdiction for coordinated and consolidated pretrial proceedings
10 pursuant to 28 U.S.C. Sec. 1407, responses to the motion supporting coordination or consolidation
11 have been filed, and plaintiffs and defendants anticipate that additional responses will be filed;

12 WHEREAS plaintiffs anticipate the possibility of one or more consolidated amended
13 complaints in the CIQ cases;

14 WHEREAS plaintiffs and defendant Samsung Electronics America, Inc. have agreed that
15 an orderly schedule for any response to the pleadings in the CIQ cases would be more efficient for
16 the parties and for the Court;

17 WHEREAS plaintiffs agree that the deadline for defendant Samsung Electronics America,
18 Inc. to answer, move, or otherwise respond to their complaint shall be extended until the earliest of
19 the following dates: (1) forty-five days after the filing of a consolidated amended complaint in the
20 CIQ cases; or (2) forty-five days after plaintiffs provide written notice to defendants that plaintiffs
21 do not intend to file a consolidated amended complaint; or (3) as otherwise ordered by this Court or
22 the MDL transferee court; provided, however, that in the event that Samsung Electronics America,
23 Inc. should agree to an earlier response date in any of these cases, Samsung Electronics America,
24 Inc. will respond to the complaint in the above-captioned action on that earlier date;

25 WHEREAS this Stipulation does not constitute a waiver by Samsung Electronics America,
26 Inc. of any defense, including but not limited to the defenses of lack of personal jurisdiction,
27 subject-matter jurisdiction, improper venue, sufficiency of process or service of process;

28

1 WHEREAS, this Stipulation does not constitute a waiver by plaintiffs of the right to move
2 for a preliminary injunction, of file a motion for expedited discovery or any other pre-answer
3 motion against Samsung Electronics America, Inc. or any other defendant and Samsung
4 Electronics America, Inc. agrees that this Stipulation shall not be the basis for objection to said
5 motions; and

6 WHEREAS, this Stipulation does not constitute a waiver by Samsung Electronics America,
7 Inc. of any defense or objection to any motion for a preliminary injunction, motion for expedited
8 discovery or any other pre-answer motion filed by plaintiffs, including but not limited to moving to
9 stay the action; and

10 WHEREAS, plaintiffs and defendant Samsung Electronics America, Inc, agree that they are
11 complying with and will continue to comply with all of their evidence preservation obligations
12 under governing law, and that the delay brought about by this Stipulation should not result in the
13 loss of any evidence.

14 NOW, THEREFORE, pursuant to Civil Local Rule 7-12, plaintiffs in the above referenced
15 case and defendant Samsung Electronics America, Inc., by and through their respective counsel of
16 record, hereby stipulate as follows:

17 1. The deadline for Samsung Electronics America, Inc. to answer, move, or otherwise
18 respond to plaintiffs' complaint shall be extended until the earliest of the following dates: (i)
19 forty-five days after the filing of a consolidated amended complaint in these cases; or (ii)
20 forty-five days after plaintiffs provide written notice to defendant Samsung Electronics
21 America, Inc. that plaintiffs do not intend to file a Consolidated Amended Complaint; or
22 (iii) as otherwise ordered by this Court or the MDL transferee court; provided, however,
23 that in the event that Samsung Electronics America, Inc. should agree to an earlier response
24 date in any of these cases, except by court order, Samsung Electronics America, Inc. will
25 respond to the complaint in the above-captioned case on that earlier date.

26 2. This Stipulation does not constitute a waiver by Samsung Electronics America, Inc.
27 of any defense, including but not limited to the defenses of lack of personal jurisdiction,
28 subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

1 3. As a condition of entry into this Stipulation, defendant Samsung Electronics
2 America, Inc. and the plaintiffs, agree that they are complying with and will continue to
3 comply with all evidentiary preservation obligations under governing law.

4 IT IS SO STIPULATED.

5
6 DATED: December 28, 2011

7 HERMAN GEREL LLP

8 By: /s/Christopher V. Tisi
9 Christopher V. Tisi
10 Attorney for Plaintiffs

11
12 DATED: December 28, 2011

13 SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

14 By: /s/Lance A. Etcheverry
15 LANCE A. ETCHEVERRY
16 Attorney for Defendant
17 SAMSUNG ELECTRONICS AMERICA, INC.

18 Additional Counsel for Plaintiffs:

19 HERMAN GEREL LLP
20 Maury A. Herman
21 mherman@hhkc.com
22 820 O'Keefe Avenue
23 New Orleans, LA 70113
24 Telephone: (504) 581-4892
25 Facsimile: (501) 561-6024

26 Christopher V. Tisi
27 cvtisi@aol.com
28 2000 L Street, NW Suite 400
Washington, D.C. 20036
Telephone: (202) 783-6400
Facsimile: (202) 416-6392

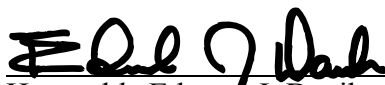
Andrea S. Hirsch
ahirsch@hermangerel.com
230 Peachtree Street, Suite 2260
Atlanta, GA 30303
Telephone: (404) 880-9500
Facsimile: (404) 880-9605

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

~~Edw J Davila~~
[PROPOSED] ORDER

Pursuant to stipulation, and for "good cause" shown, it is SO ORDERED.

Dated: December 29, 2011



Honorable Edward J. Davila
United States District Judge