

1 LANCE A. ETCHEVERRY (STATE BAR NO. 199916)
 2 Lance.Etcheverry@skadden.com
 3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 4 300 South Grand Avenue, Suite 3400
 5 Los Angeles, California 90071
 6 Telephone: (213) 687-5000
 7 Facsimile: (213) 687-5600

8 S. SHERYL LEUNG (STATE BAR NO. 238229)
 9 Sheryl.Leung@skadden.com
 10 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 11 525 University Avenue, Suite 1100
 12 Palo Alto, California 94301
 13 Telephone: (650) 470-4500
 14 Facsimile: (650) 470-4570

15 Attorneys for Defendants
 16 SAMSUNG ELECTRONICS AMERICA, INC. and
 17 SAMSUNG TELECOMMUNICATIONS AMERICA, LLC

18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**
 20 **SAN JOSE DIVISION**

21 JOSEPHINE GONZALEZ, Individually and)
 22 on Behalf of All Others Similarly Situated,)
 23)
 24 Plaintiff,)
 25)
 26 vs.)
 27)
 28 CARRIER IQ, INC.; SAMSUNG)
 ELECTRONICS AMERICA, INC.;)
 SAMSUNG TELECOMMUNICATIONS)
 AMERICA, INC.; and DOES 1-25, Inclusive,)
 Defendants.)

CASE NO. 5:11-CV-06202-LHK

STIPULATED REQUEST FOR AN ORDER GRANTING A STAY AND ~~PROPOSED~~ ORDER

1 **STIPULATED REQUEST FOR AN ORDER**
2 **GRANTING A STAY AND [PROPOSED] ORDER**

3 Plaintiff Josephine Gonzalez and Defendants Samsung Electronics America, Inc.
4 and Samsung Telecommunications America, LLC¹ (the “Samsung Defendants”) (collectively, the
5 “Stipulating Parties”) by and through their respective counsel, hereby make a stipulated request for
6 an Order staying all proceedings and deadlines in this action until forty-five (45) days after the
7 Panel on Multidistrict Litigation (“Panel”) has issued a ruling on the currently pending motions for
8 coordination or consolidation of this and other actions captioned In re Carrier IQ, Inc. Consumer
9 Privacy Litigation (MDL No. 2330) (the “MDL Motions”), and in support of this Request, state as
10 follows:

11 WHEREAS, the Complaint in the above-captioned action was filed on December 9,
12 2011;

13 WHEREAS, there have been no other modifications to the Samsung Defendants’
14 time to answer, move or otherwise respond to the complaint in this action;

15 WHEREAS, pursuant to an ADR Scheduling Order dated December 9, 2011, the
16 Initial Case Management Conference in the above-captioned action is scheduled for March 6,
17 2012;

18 WHEREAS, the Complaint alleges, among other things, that Defendants violated
19 the privacy rights of mobile phone and other device consumers whose devices use software made
20 by defendant Carrier IQ, Inc.;

21 WHEREAS over 50 other complaints have been filed to date in federal district
22 courts throughout the United States by consumers purporting to bring class actions on behalf of
23 similarly situated class members (collectively, including the above-captioned matter, the “CIQ
24 cases”);

25
26
27 _____
28 ¹ Samsung Telecommunications America, LLC was erroneously sued as Samsung
Telecommunications America, Inc.

1 WHEREAS, several motions are pending before the Judicial Panel on Multidistrict
2 Litigation to transfer the CIQ cases to various transferee courts for coordinated and consolidated
3 pretrial proceedings pursuant to 28 U.S.C. Sec. 1407, responses to the motions supporting
4 coordination or consolidation were filed on December 27, 2011, and Plaintiff and the Samsung
5 Defendants anticipate that additional responses will be filed; and

6 WHEREAS, in light of the pending MDL Motions and to facilitate an orderly
7 schedule for responding to the pleadings in the CIQ Cases, the Stipulating Parties in this case have
8 agreed that the deadline for the Samsung Defendants to answer, move, or otherwise respond to the
9 Complaint shall be extended until forty-five (45) days after the Judicial Panel on Multidistrict
10 Litigation issues an order deciding the MDL Motions, or as otherwise ordered by the MDL
11 transferee court if one of the MDL Motions is granted; provided, however, that in the event that
12 any of the Samsung Defendants should agree to an earlier response date in any of the CIQ Cases,
13 that Samsung Defendant will respond to the Complaint on that earlier date;

14 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
15 counsel for Plaintiff and Samsung Defendants, that:

16 1. Pursuant to Local Rule 6-1, 6-2 and 7-12, all proceedings and deadlines in
17 the above-captioned action that pertain to the Samsung Defendants are stayed until forty-five (45)
18 days after the Panel on Multidistrict Litigation rules on the MDL Motions or until further order of
19 this Court or the MDL Transferee Court;

20 2. This stay shall include a continuance of the Samsung Defendants' deadline
21 to answer, move to dismiss, or otherwise respond to the Complaint;

22 3. Any obligations of the Stipulating Parties to meet and confer regarding
23 initial disclosures under FRCP 26(f) are stayed until further Order from the Court or the MDL
24 Transferee Court;

25 4. This Stipulation does not constitute a waiver by the Samsung Defendants of
26 any defense, including but not limited to the defenses of lack of personal jurisdiction, subject
27 matter jurisdiction, improper venue, sufficiency of process or service of process; and
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 Dated: January 18, 2012

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By: 
Hon. Lucy H. Koh
UNITED STATES DISTRICT JUDGE