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

20 In re: Facebook Internet Tracking Litigation

21 Case No. 12-md-02314 EJD

22 **STIPULATED REQUEST AND [~~PROPOSED~~]**  
 23 **ORDER CONCERNING PAGE LIMITS FOR**  
 24 **BRIEFING ON MOTION TO DISMISS**  
 25 **SECOND AMENDED COMPLAINT AND**  
 26 **DATE OF CASE MANAGEMENT**  
 27 **CONFERENCE**

28 JUDGE: Edward J. Davila  
 COURTROOM: 4  
 TRIAL DATE: Not Yet Set

29 Plaintiffs Perrin Davis, Cynthia Quinn, Brian Lentz, and Matthew Vickery (collectively,  
 30 “Plaintiffs”) and Defendant Facebook, Inc. (“Facebook”) (Plaintiffs and Facebook collectively,  
 31 the “Parties”) by and through their respective counsel, hereby make a stipulated request for an  
 32 order concerning the page limits for the briefing on Facebook’s forthcoming motion to dismiss  
 33 Plaintiffs’ Second Amended Consolidated Class Action Complaint (“Second Amended  
 34 Complaint”), and to continue the Case Management Conference set for January 14, 2015.

1           WHEREAS on February 8, 2012, the Panel on Multidistrict Litigation issued an order  
2 transferring actions filed across the United States to this Court under the caption above for  
3 coordinated or consolidated proceedings pursuant to 28 U.S.C. § 1407;

4           WHEREAS Plaintiffs filed their Corrected First Amended Consolidated Class Action  
5 Complaint (“First Amended Complaint,” Dkt. #35) on May 23, 2012;

6           WHEREAS the Court extended the page limits for the briefing on Facebook’s motion to  
7 dismiss the First Amended Complaint to 35 pages for the motion to dismiss and opposition brief  
8 and 25 pages for the reply brief (Dkt. #37);

9           WHEREAS on July 2, 2012, Facebook filed a motion to dismiss the First Amended  
10 Complaint (Dkt. #44);

11           WHEREAS on October 23, 2015, the Court granted Facebook’s motion to dismiss with  
12 leave to amend on or before November 30, 2015, and setting a Case Management Conference for  
13 January 14, 2015 (Dkt. #87);

14           WHEREAS on November 24, 2015, the Court granted the Parties’ Joint Stipulation and  
15 Proposed Order setting the briefing schedule on Facebook’s anticipated motion to dismiss the  
16 Second Amended Complaint (the “Motion to Dismiss”), according to which Facebook’s Motion  
17 to Dismiss shall be filed on or before January 14, 2016, Plaintiffs’ opposition shall be filed on or  
18 before February 18, 2016, and Facebook’s reply shall be filed on or before March 10, 2016, and  
19 the hearing on the Motion to Dismiss is scheduled for April 28, 2016;

20           WHEREAS Plaintiffs filed their Second Amended Complaint on November 30, 2015;

21           WHEREAS the Second Amended Complaint consists of 57 pages and 11 causes of action,  
22 including five new causes of action;

23           WHEREAS the Parties believe that an enlargement of the page limits for the briefing on  
24 the Motion to Dismiss is reasonable in light of the nature of the case, the length of the Second  
25 Amended Complaint, the number of causes of action, recent developments in the law and the new  
26 causes of action, and will provide the Court with more thorough and useful briefing on the issues;  
27 and  
28

1 WHEREAS, in light of the Second Amended Complaint, the forthcoming Motion to  
2 Dismiss the Second Amended Complaint, and the briefing and hearing schedule ordered by the  
3 Court, the Parties believe that continuing the Case Management Conference to April 28, 2016  
4 (the same date on which the hearing on the Motion to Dismiss is scheduled) will conserve judicial  
5 and party resources, and will not otherwise affect the case schedule.

6 NOW, THEREFORE, the Parties hereby stipulate and agree as follows, subject to  
7 approval and order of the Court:

- 8 1. Facebook's Motion to Dismiss shall not exceed 40 pages;
- 9 2. Plaintiffs' opposition to the Motion to Dismiss shall not exceed 40 pages;
- 10 3. Facebook's reply in support of the Motion to Dismiss shall not exceed 25 pages;

11 and

12 4. The Case Management Conference scheduled for January 14, 2016 shall be  
13 continued to April 28, 2016 at 9:00 a.m. (the same date on which the hearing on the Motion to  
14 Dismiss is scheduled).

15  
16 Dated: December 30, 2015

COOLEY LLP

*/s/ Matthew D. Brown*

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MATTHEW D. BROWN  
Attorneys for Defendant FACEBOOK, INC.

17  
18  
19 Dated: December 30, 2015

SILVERMAN THOMPSON  
SLUTKIN WHITE LLC

*/s/ Stephen G. Grygiel*

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Dated: December 30, 2015

KAPLAN FOX & KILSHEIMER LLP

*/s/ David A. Straite*

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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/6/2015

  
\_\_\_\_\_  
The Honorable Edward J. Davila  
UNITED STATES DISTRICT JUDGE

**ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)**

I, Matthew D. Brown, attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: December 30, 2015

/s/ Matthew D. Brown  
MATTHEW D. BROWN

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