

# Exhibit A

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15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF SANTA CLARA

17 RYAN UNG, CHI CHENG and ALICE  
18 ROSEN, on Behalf of Themselves and All  
19 Others Similarly Situated,

20 Plaintiffs,

21 v.

22 FACEBOOK, INC.,

23 Defendant.

Case No. 112-cv-217244

24 **STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE CASE STATUS  
CONFERENCE**

25 Date: April 18, 2017  
26 Time: 10:00 am  
27 Judge: Hon. Maureen A. Folan  
28 Dept.: 8

**By Fax**

FILED  
2017 APR 13 P 9 53  
L. Nguyen  
L. Nguyen

1 Plaintiffs Ryan Ung, Chi Cheng, and Alice Rosen (“Plaintiffs”) and Defendant Facebook,  
2 Inc. (“Facebook”) (collectively, the “Parties”) hereby stipulate and agree to continue the upcoming  
3 Case Status Conference, currently scheduled for April 18, 2017, at 10:00 a.m., for approximately 30  
4 days, to May 23, 2017, at 10:00 a.m., or such other date and time convenient for the Court, in order  
5 to allow the parties time to further meet and confer regarding Plaintiffs’ possible motion to fully or  
6 partially lift the stay and coordinate with the federal action.

7 Pursuant to a July 3, 2012 order of the Court (the Honorable Joseph H. Huber), this action is  
8 presently stayed “pending the final outcome of the related currently pending class actions in the  
9 United States District Court for the Northern District of California.”

10 The federal actions, coordinated in a multidistrict litigation (“MDL”) pending before the  
11 Honorable Edward J. Davila, have been dismissed once without prejudice on October 23, 2015 and  
12 are awaiting a ruling on a second motion to dismiss that has been fully briefed and argued on April  
13 28, 2016. Some limited discovery has occurred while the motions to dismiss have been litigated,  
14 and discovery-related motions are pending before Judge Davila as well.

15 Plaintiffs believe that it is time to revisit the basis for the original stay order from July 2012  
16 given that, from Plaintiff’s perspective, the federal action has experienced multi-year delays and is  
17 still in the pleading stage almost five years later – a timeframe that Plaintiffs believe was not  
18 contemplated by the Court or the parties at the time of the stay. Plaintiffs have informed Facebook  
19 that Plaintiffs may file a motion seeking a full or partial lifting of the stay and coordination on  
20 discovery with the federal actions. Plaintiffs have also notified the plaintiffs in the federal action of  
21 this possibility, and the federal plaintiffs recently wrote a letter to Facebook supporting such a  
22 request.

23 Facebook states that although it will consider in good faith any rationale that Plaintiffs put  
24 forward, its current view is that the factors that necessitated the original stay, including the interests  
25 of comity and judicial economy and the need to avoid inconsistent rulings between courts in  
26 different jurisdictions, continue to apply until, as this Court previously ruled, the federal actions are  
27 concluded.

1 The Parties make this stipulated request for a short continuance in order to allow time for the  
2 Parties to meet and confer regarding this issue and whether motion practice will be necessary,  
3 before appearing before the Court at a status conference. Counsel for Facebook also will be out of  
4 town on the currently scheduled date for the status conference.

5 For the Court's convenience, the parties provide the following summary of the key  
6 procedural history in this action and the federal MDL:

7 1. This action, Case No. 112-cv-217244, was filed on January 24, 2012.

8 2. On March 16, 2012, Facebook filed a motion to stay this action ("Motion to Stay")  
9 until the resolution of a federal multidistrict litigation against Facebook pending before the  
10 Honorable Edward J. Davila in the United States District Court for the Northern District of  
11 California, captioned *In re: Facebook Internet Tracking Litigation*, No. 5:12-md-02314 ("federal  
12 MDL").

13 3. On March 23, 2012, Facebook filed a demurrer to Plaintiffs' complaint.

14 4. On May 11, 2012, the Court (the Honorable Joseph H. Huber) granted Facebook's  
15 Motion to Stay, staying all proceedings in this action until further order of the Court.

16 5. On July 2, 2012, the Court (Judge Huber) issued an order sustaining in part and  
17 overruling in part the demurrer.

18 6. On July 3, 2012, the Court (Judge Huber) stayed all proceedings, except for the filing  
19 of an amended complaint, pending the final outcome of the federal MDL. The Court's Order stated:

20 The Court, having previously stayed this action until further order of  
21 Court, now stays all proceedings, except for the filing of an amended  
22 complaint after sustaining of a demurrer, pending the final outcome of the  
23 related currently pending class actions in the United States District Court  
24 for the Northern District of California captioned IN RE FACEBOOK  
INTERNET TRACKING LITIGATION, No. 5:11 md 02314 EJD (N.D.  
Cal.).

25 7. On July 31, 2012, Plaintiffs filed an amended complaint.

26 8. On February 21, 2013, the Parties appeared for a Case Status Conference.  
27 Thereafter, because this action is stayed, the Parties have stipulated to, and the Court has ordered,  
28

1 continuances of the subsequent Status Conferences, including most recently an approximately six-  
2 month continuance that continued the Status Conference to April 18, 2017.

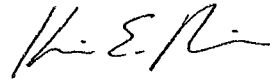
3 9. The federal MDL is ongoing. On October 23, 2015, the Court (Judge Davila) granted  
4 Facebook's Motion to Dismiss the federal MDL plaintiffs' Corrected First Amended Consolidated  
5 Class Action Complaint, dismissing some claims without leave to amend and some claims with  
6 leave to amend. The federal MDL plaintiffs filed a Second Amended Consolidated Complaint on  
7 December 1, 2015, and Facebook moved to dismiss on January 14, 2016. Briefing on the second  
8 motion to dismiss was completed on March 10, 2016, and Judge Davila heard oral argument on the  
9 motion on April 28, 2016. The Court took Facebook's Motion to Dismiss under submission, and a  
10 decision has not yet been rendered. While the motions to dismiss were being litigated, the parties  
11 engaged in limited discovery. Two discovery-related motions are also fully briefed and pending  
12 before the Court: (1) Facebook's Motion for Protective Order Temporarily Staying Further  
13 Discovery Pending Resolution of Motion to Dismiss Second Amended Consolidated Complaint,  
14 and (2) Plaintiffs' Motion to Compel Discovery and to Compel Compliance with Protective Order.

15  
16 THEREFORE, THE PARTIES AGREE AS FOLLOWS, SUBJECT TO APPROVAL OF  
17 THE COURT:

18 The Case Status Conference currently scheduled for April 18, 2017, at 10:00 a.m., is  
19 continued to May 23, 2017, at 10:00 a.m., or such other date and time as the Court deems  
20 appropriate.

1  
2 Dated: April 12, 2017

3 RICHMAN LAW GROUP

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~~PROPOSED~~ ORDER

Upon the stipulation of the parties, and good cause appearing, the Case Status Conference currently scheduled for April 18, 2017, at 10:00 a.m., is continued to May 23, 2017, at 10:00 a.m.

IT IS SO ORDERED.

DATED: 4.13.17

Judge Maureen A. Folan  
JUDGE OF THE SUPERIOR COURT