

1 COOLEY LLP
2 MICHAEL G. RHODES (116127)
3 (rhodesmg@cooley.com)
4 MATTHEW D. BROWN (196972)
5 (brownmd@cooley.com)
6 JEFFREY M. GUTKIN (216083)
7 (jgutkin@cooley.com))
8 101 California Street, 5th Floor
9 San Francisco, CA 94111-5800
10 Telephone: (415) 693-2000
11 Facsimile: (415) 693-2222

12 Attorneys for Defendant FACEBOOK, INC.

13 (Additional parties on signature page)

14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17
18 SAN JOSE DIVISION

19 In re: Facebook Internet Tracking Litigation

Case No. 12-md-02314 EJD

20
21 **STIPULATION AND [PROPOSED] ORDER**
22 **CONCERNING BRIEFING SCHEDULE AND**
23 **PAGE LIMITS FOR FACEBOOK'S MOTION**
24 **TO DISMISS (Civ. L.R. 6-2 & 7-4(b))**

25
26 **JUDGE:** Edward J. Davila
27 **COURTROOM:** 4
28 **TRIAL DATE:** Not Yet Set

21 Plaintiffs Perrin Davis, Cynthia Quinn, Brian Lentz, and Matthew Vickery (collectively,
22 "Plaintiffs") and Defendant Facebook, Inc. ("Facebook") (Plaintiffs and Facebook collectively,
23 the "Parties") by and through their respective counsel, hereby make a stipulated request for an
24 Order concerning the briefing schedule and page limits for Facebook's anticipated motion to
25 dismiss Plaintiffs' Corrected First Amended Consolidated Class Action Complaint. This
26 stipulated request is made pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil Local
27 Rules 6-2 and 7-4(b) and is supported by the concurrently filed Declaration of Jeffrey M. Gutkin.

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, on April 3, 2012, the Court ordered that Plaintiffs file a consolidated
5 amended complaint no later than 45 days from the date upon which the order was filed, which
6 was May 18, 2012;

7 WHEREAS, the Court also ordered that Facebook's answer or responsive motion be filed
8 no later than 90 days from the date upon which the order was filed, which is July 2, 2012;

9 WHEREAS Plaintiffs filed their First Amended Consolidated Class Action Complaint on
10 May 17, 2012 and their Corrected First Amended Consolidated Class Action Complaint
11 ("Complaint") on May 23, 2012;

12 WHEREAS the 43-page Complaint alleges 11 causes of action against Facebook;

13 WHEREAS Facebook anticipates filing a motion to dismiss the Complaint (the "Motion")
14 on July 2, 2012;

15 WHEREAS, pursuant to Civil Local Rule 7-3, the deadline for Plaintiffs to file their
16 opposition to the Motion would be July 16, 2012, and the deadline for Facebook to file its reply in
17 support of the Motion would be July 23, 2012;

18 WHEREAS the first date available on this Court's calendar to hear the Motion is
19 September 14, 2012, at the earliest;

20 WHEREAS there have been no previous time modifications since the Court ordered
21 consolidation of the actions, whether by stipulation or Court order;

22 WHEREAS altering the briefing schedule on the Motion will not affect the date or
23 deadline of any event or deadline already affixed by the Court; AND

24 WHEREAS the Parties believe that a modest extension of the briefing schedule and
25 enlargement of the page limits is reasonable in light of the nature of the case and the Complaint,
26 and will provide the Court with more thorough and useful briefing on the issues.

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

- 1 1. Facebook's Motion shall not exceed 35 pages;
- 2 2. Plaintiffs shall file their opposition to the Motion on or before July 31, 2012, and
- 3 the opposition shall not exceed 35 pages; AND
- 4 3. Facebook shall file its reply in support of the Motion on or before August 22,
- 5 2012, and the reply shall not exceed 25 pages.
- 6

7 Dated: June 6, 2012

COOLEY LLP

8 /s/ Jeffrey M. Gutkin
9 JEFFREY M. GUTKIN

10 Attorneys for Defendant FACEBOOK, INC.

11

12 Dated: June 6, 2012

BARTIMUS, FRICKLETON, ROBERTSON, &
13 GORNY, P.C.

14 /s/ Edward D. Robertson, Jr.
15 EDWARD D. ROBERTSON, JR.

16 Attorneys for Plaintiffs PERRIN DAVIS,
17 CYNTHIA QUINN, BRIAN LENTZ, and
MATTHEW VICKERY

18 BARTIMUS, FRICKLETON, ROBERTSON, &
19 GORNY, P.C.

EDWARD D. ROBERTSON, JR.
(chiprob@earthlink.net)

20 STEPHEN M. GORNY

21 JAMES P. FRICKLETON

MARY D. WINTER

22 EDWARD D. ROBERTSON III
11150 Overbook Road, Suite 200
23 Leawood, KS 66211

Telephone: (913) 266-2300

24 Facsimile: (913) 266-2366

25

26

27

28

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

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____
The Honorable Edward J. Davila
UNITED STATES DISTRICT JUDGE

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

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Jeffrey M. Gutkin, attest that concurrence in the filing of this Stipulation has been obtained from each of the other signatories. Executed this 6th day of June, 2012, at San Francisco, California.

/s/ Jeffrey M. Gutkin
JEFFREY M. GUTKIN

PROOF OF SERVICE
(FRCP 5)

I hereby certify that on June 6, 2012, I filed the foregoing document with the Clerk of Court using the CM/ECF system:

Stipulation and [Proposed] Order Concerning Briefing Schedule and Page Limits for Facebook's Motion to Dismiss (Civ. L.R. 6-2 & 7-4(B))

This document was served on all counsel who are deemed to have consented to electronic service via the CM/ECF system in this action.

This document and the notice of electronic filing were also served via U.S. Mail on the following parties:

Daniel W. Bishop
Bishop London & Dodds PC
3701 Bee Cave Road, Suite 200
Austin, TX 78746
Ph: (512) 479-5900
Email: dbishop@bishoplondon.com

Daryl L. Zaslow
Eichen Crutchlow Zaslow & McCleoy LLP
40 Ethel Road
Edison, NJ 08817
Ph: (732) 777-0100
Email: djzaslow@njadvocates.com

Tonya M. Osborne
Kambon Williams
Muirphy, P.A.
One South Street, 23rd Floor
Baltimore, MD 21202
Ph: 410-359-6500
Email: Tonya.Bana@murphypa.com

Peter G. Angelos
Law Offices of Peter G. Angelos P.C.
One Charles Center
100 N. Charles Street, 20th Floor
Baltimore, MD 21201-3812
Ph: 410-649-2094

John E Keefe
Stephen G. Grygiel
Stephen Sullivan
Jennifer L. Harwood
Keefe Bartels LLC
170 Monmouth Street
Red Bank, NJ 07701
Ph: (732) 224-9400
Email: jkeefe@keefebartels.com
sgrygiel@keefebartels.com
ssullivan@keefebartels.com

Ronald Von Terrell
The Terrell Law Group
P.O. Box 13315, PMB #148
Oakland, CA 94661
Ph: 510-237-9700
Email: ReggieT2@aol.com

This document and the notice of electronic filing were not served on Tracie Skiles because no current mailing address or email address is available.

Executed on June 6, 2012, at Seattle, Washington.



Kristi Peterson

2630543/ST