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

21 In re: Facebook Internet Tracking Litigation

Case No. 12-md-02314 EJD

22 **JOINT STIPULATION AND [~~PROPOSED~~]**
 23 **ORDER CONCERNING BRIEFING**
 24 **SCHEDULE FOR FACEBOOK'S MOTION TO**
 25 **DISMISS**

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 for Facebook's anticipated motion to dismiss Plaintiffs'
 25 anticipated Second Amended Consolidated Class Action Complaint ("Second Amended
 26 Complaint" or "SAC"). This stipulated request is made pursuant to Federal Rule of Civil
 27 Procedure 6(b)(1) and Civil Local Rule 6-2 and is supported by the concurrently filed Declaration
 28 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 Plaintiffs filed their First Amended Consolidated Class Action Complaint on
5 May 17, 2012 and their Corrected First Amended Consolidated Class Action Complaint
6 (“Complaint,” Dkt #35) on May 23, 2012;

7 WHEREAS on July 2, 2012, Facebook filed a motion to dismiss the Complaint (Dkt.
8 #44);

9 WHEREAS on October 23, 2015, the Court granted Facebook’s motion to dismiss with
10 leave to amend on or before November 30, 2015 (Dkt #87);

11 WHEREAS Plaintiffs intend to file the anticipated SAC on or before November 30, 2015;

12 WHEREAS Facebook intends to file a motion to dismiss the anticipated SAC (the
13 “Motion to Dismiss”);

14 WHEREAS, pursuant to Civil Local Rule 7-3, the deadline for Facebook to file its Motion
15 to Dismiss would be 14 days after Plaintiffs file the SAC, the deadline for Plaintiffs to file their
16 opposition to the Motion to Dismiss would be 14 days after Facebook files its Motion to Dismiss,
17 and the deadline for Facebook to file its reply in support of the Motion to Dismiss would be 7
18 days after Plaintiffs’ opposition is due;

19 WHEREAS the only previous time modifications since the Court ordered consolidation of
20 the actions were to extend the briefing schedule on Facebook’s motion to dismiss the Complaint
21 (Dkt #39) and resetting the hearing date on Facebook’s motion to dismiss (Dkt #51);

22 WHEREAS the Parties believe that a modest extension of the briefing schedule on the
23 Motion to Dismiss is reasonable in light of the nature of the case and the number of claims in the
24 anticipated SAC, and will provide the Court with more thorough and useful briefing on the issues,
25 and is also reasonable in light of upcoming December holidays; AND

26 WHEREAS altering the briefing schedule on the Motion to Dismiss will not affect the
27 date or deadline of any event or deadline already affixed by the Court.
28

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

- 3 1. Facebook shall file its Motion to Dismiss on or before January 14, 2016;
4 2. Plaintiffs shall file their opposition to the Motion to Dismiss on or before February
5 18, 2016; AND
6 3. Facebook shall file its reply in support of the Motion to Dismiss on or before
7 March 10, 2016.

8
9 Dated: November 20, 2015

COOLEY LLP

/s/ Jeffrey M. Gutkin

JEFFREY M. GUTKIN
Attorneys for Defendant FACEBOOK, INC.

12 Dated: November 20, 2015

**SILVERMAN THOMPSON
SLUTKIN WHITE LLC**

/s/ Stephen G. Grygiel

STEPHEN G. GRYGIEL

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Interim Co-Lead Class Counsel

22 Dated: November 20, 2015

KAPLAN FOX & KILSHEIMER LLP

/s/ David A. Straite

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Court sets the matter for hearing on April 28, 2016 at 9:00 AM

DATED: 11/24/2015



The Honorable Edward J. Davila
UNITED STATES DISTRICT JUDGE

CERTIFICATE PURSUANT TO LOCAL RULE 5-1(D)(3)

I, Jeffrey M. Gutkin, am the ECF User whose identification and password are being used to file the JOINT STIPULATION AND [PROPOSED] ORDER CONCERNING BRIEFING SCHEDULE FOR FACEBOOK'S MOTION TO DISMISS. In compliance with Local Rule 5-1(i)(3), I hereby attest that David A. Straite and Stephen G. Grygiel have concurred in this filing.

Dated: November 20, 2015

/s/ Jeffrey M. Gutkin
JEFFREY M. GUTKIN

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