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11 12 13 14 15 16 17 18	Hank Bates (State Bar No. 167688) hbates@cbplaw.com Allen Carney acarney@cbplaw.com David Slade dslade@cbplaw.com CARNEY BATES & PULLIAM, PLLC 11311 Arcade Drive Little Rock, AR 72212 Telephone: 501.312.8500 Facsimile: 501.312.8505 Attorneys for Plaintiffs and the Proposed Cla	255	
 19 20 21 22 23 24 25 26 27 28 	UNITED STAT NORTHERN DIST MATTHEW CAMPBELL, MICHAEL HURLEY, and DAVID SHADPOUR, on behalf of themselves and all others similarly situated, Plaintiffs, v. FACEBOOK, INC., Defendant.	TRICT OF CAL Case No. C JOINT STI ORDER CO OF ALEX I CURRENT	
		CONTI AND R	STIPULATION AND [PROPOSED] ORDER INUING THE DEPOSITION OF ALEX HIMEL REMOVING THE CURRENT SOURCE CODE ING SCHEDULE

1	WHEREAS, in the course of the discovery process, a dispute arose between Plaintiffs and
2	Defendant Facebook, Inc. (the "Parties") regarding the production of Facebook's source code;
3	WHEREAS, on April 13, 2015, the Court entered a Discovery Order Re: Source Code
4	Briefing Schedule ("April 13, 2015 Order") (Dkt. No. 68);
5 6	WHEREAS, a subsequent dispute arose over the availability for deposition of Alex
0 7	Himel, an employee of Facebook whose declaration accompanied Facebook's source-code-
8	related discovery production of June 1, 2015;
9	WHEREAS, on June 12, 2015, the Court entered an Order Denying Telephonic Discovery
10	Conference Without Prejudice and Setting Deposition and Briefing Schedule ("June 12, 2015
11	Order") (Dkt. No. 88), establishing a revised briefing schedule regarding source code production
12	and ordering Alex Himel to appear for deposition on July 1, 2015;
13	WHEREAS, the Parties have met and conferred, coming to an agreement with regard both
14 15	to the production of source code and to continuing the deposition of Alex Himel. Specifically,
16	subject to the entry of an amended protective order governing the treatment of source code,
17	Facebook has agreed to produce source code responsive to Plaintiffs' discovery requests for the
18	time period September 1, 2009 to December 31, 2012. The Parties have met and conferred in
19	good faith and have not identified any issues of disagreement related to the scope of the source
20	code production. However, in the event that a dispute arises as to whether particular portions of
21	the source code are responsive or relevant to Plaintiffs' claims, the Parties have agreed to meet
22	
23 24	and confer in a good-faith attempt to resolve the dispute. If they cannot reach agreement, the
24 25	Parties will brief the dispute for the Court. Accordingly, by agreement of the Parties, the
23 26	deposition of Alex Himel scheduled for July 1, 2015 has been continued to a date yet to be
27	determined.
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	IOINT STIPLU ATION AND PROPOSED OF DEP

1	NOW, THEREFORE, subject to ap	proval of the Court, the Parties hereby stipulate and	
2	request that the Court enter an order allowing the postponement of the deposition of Alex Himel		
3	and removing from the calendar the deadlines associated with such briefing set by the Court in its		
4	April 13, 2015 Order and as amended in the Court's June 12, 2015 Order, including the hearing		
5	date of August 13, 2015.		
6 7		Respectfully submitted,	
8	Dated: June 26, 2015	LIEFF CABRASER HEIMANN & BERNSTEIN, LLP	
9		By: /s/ Michael W. Sobol	
10		Attorneys for Plaintiffs and the Proposed Class	
11		Cluss	
12	Dated: June 26, 2015	GIBSON, DUNN, & CRUTCHER, LLP	
13		By: <u>/s/ Joshua A. Jessen</u>	
14		Attorneys for Defendant Facebook, Inc.	
15			
16 17			
17 18	ATTORN	EY ATTESTATION	
10		Michael W. Sobol, hereby attest that concurrence in	
20		-	
21	the filing of this document has been obtained from Joshua A. Jessen.		
22	Dated: June 26, 2015	LIEFF CABRASER HEIMANN & BERNSTEIN, LLP	
23		By: /s/ Michael W. Sobol	
24		Attorneys for Plaintiffs and the Proposed	
25		Class	
26			
27			
28			
		- 2 - JOINT STIPULATION AND [PROPOSED] ORDER CONTINUING THE DEPOSITION OF ALEX HIMEL AND REMOVING THE CURRENT SOURCE CODE BRIEFING SCHEDULE	

1	[PROPOSED] ORDER		
2	Having considered the Parties' Stipulation, and good cause appearing, the Court finds that,		
3	subject to the entry of an amended protective order governing the treatment of source code,		
4	Facebook has agreed to produce source code responsive to Plaintiffs' discovery requests for the		
5 6	time period September 1, 2009 to December 31, 2012. The Parties have met and conferred in		
0 7	good faith and have not identified any issues of disagreement related to the scope of the source		
8	code production. However, in the event that a dispute arises as to whether particular portions of		
9	the source code are responsive or relevant to Plaintiffs' claims, the Parties will meet and confer in		
10	a good-faith attempt to resolve the dispute. If they cannot reach agreement, the Parties will brief		
11	the dispute for the Court.		
12	Accordingly, the Court GRANTS the Parties Stipulation. It is HEREBY ORDERED that:		
13	the deposition of Alex Himel scheduled for July 1, 2015 has been continued to a date yet to be		
14	determined, Plaintiffs will not file a motion to compel related to the source code at this time, and		
15 16			
16 17	the deadlines associated with such briefing set by the Court in its April 13, 2015 Order and as		
18	amended in the Court's June 12, 2015 Order, including the hearing date of August 13, 2015, shall		
19	be taken off calendar.		
20	June 30, 2015		
21	DATED: The Honorable Maria-Elena James		
22	United States Magistrate Judge		
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	JOINT STIPULATION AND [PROPOSED] ORDER - 3 - CONTINUING THE DEPOSITION OF ALEX HIMEL AND REMOVING THE CURRENT SOURCE CODE		

CONTINUING THE DEPOSITION OF ALEX HIMEL AND REMOVING THE CURRENT SOURCE CODE BRIEFING SCHEDULE