

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

Simon J. Frankel (Bar No. 171552)
sfrankel@cov.com
COVINGTON & BURLING LLP
One Front Street, 35th Floor
San Francisco, CA 94111
Tel: (415) 591-6000
Fax: (415) 591-6091

Attorneys for Defendant
AOL, INC.

David C. Parisi (Bar No. 162248)
dcparsi@parisihavens.com
Suzanne Havens Beckman (Bar No. 188814)
shavens@parisihavens.com
PARISI & HAVENS LLP
212 Marine Street, Suite 100
Santa Monica, CA 90405
Tel: (818) 990-1299
Fax: (818) 501-7852

Attorneys for Plaintiff
NICHOLAS DERBY

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

NICHOLAS DERBY, individually and on
behalf of a class of similarly situated individuals,

Plaintiff,

v.

AOL, INC., a Delaware corporation,

Defendant.

Civil Case No.: 5:15-cv-00452-RMW

**STIPULATION AND []
ORDER TO EXTEND BRIEFING
SCHEDULE ON DEFENDANT'S MOTION
TO DISMISS AND TO RESCHEDULE
MOTION HEARING**

Hearing Date: May 8, 2015
Hearing Time: 9:00 a.m.
Dept: Courtroom 6, 4th Floor
Judge: Hon. Ronald M. Whyte

1 Plaintiff Nicholas Derby (“Plaintiff”), by and through his attorneys Parisi & Havens LLP, and
2 Defendant AOL, Inc. (“Defendant”), by and through its attorneys Covington & Burling LLP, pursuant to
3 Local Rules 6-1(b), 6-2 and 7-12 hereby stipulate as follows:

4 1. On February 2, 2015, Plaintiff filed his Class Action Complaint. (Dkt. 1.)

5 2. On April 3, 2015, Defendant filed its Motion to Dismiss (“Motion”). (Dkt 18.)

6 3. The hearing on Defendant’s Motion is currently set for May 8, 2015 at 9:00 a.m.

7 Plaintiff’s opposition to the Motion is currently due on April 17, 2015, and Defendant’s reply brief is
8 currently due on April 24, 2015.

9 4. The Parties have met and conferred and believe that, in light of the amount of time
10 necessary to thoroughly address the issues presented in Defendant’s Motion, and in light of the
11 schedules of counsel, good cause exists to continue the hearing on Defendant’s Motion and good cause
12 exists for an extension of time for Plaintiff to properly respond to Defendant’s Motion and for Defendant
13 to properly reply in support thereof.

14 5. This Stipulation is made in good faith and not for the purpose of delay or for any other
15 improper purpose. No other date or deadline would be impacted by the extensions requested in this
16 Stipulation.

17 6. Consequently, Plaintiff Nicholas Derby and Defendant AOL, Inc. hereby stipulate to, and
18 request that this Honorable Court enter an Order: (i) extending the deadline for Plaintiff to file his
19 response to Defendant’s Motion to Dismiss by twenty-one (21) days to May 8, 2015; (ii) extending the
20 deadline for Defendant to file its reply in support of the Motion to Dismiss by seven (7) days to May 22,
21 2015; and (iii) rescheduling the hearing on Defendant’s Motion to Dismiss to May 29, 2015, or any date
22 thereafter in accordance with the Court’s calendar.

23 Dated: April 9, 2015

PARISI & HAVENS LLP

24 By: /s/ David C. Parisi

25 David C. Parisi

26 Attorneys for Plaintiff

NICHOLAS DERBY

27 David C. Parisi (Bar No. 162248)

28 dcparisi@parisihavens.com

1 Suzanne Havens Beckman (Bar No. 188814)
2 shavens@parisihavens.com
3 PARISI & HAVENS LLP
4 212 Marine Street, Suite 100
5 Santa Monica, CA 90405
6 Tel: (818) 990-1299
7 Fax: (818) 501-7852

8 Attorneys for Plaintiff
9 NICHOLAS DERBY

10 Dated: April 9, 2015

11 COVINGTON & BURLING LLP

12 By: /s/ Simon J. Frankel
13 Simon J. Frankel
14 Attorneys for Defendant
15 AOL, INC.

16 Simon J. Frankel (Bar No. 171552)
17 COVINGTON & BURLING LLP
18 One Front Street, 35th Floor
19 San Francisco, California 94111
20 Telephone: (415) 591-6000
21 Facsimile: (415) 591-6091
22 Email: sfrankel@cov.com

23 Eric C. Bosset (admitted pro hac vice)
24 ebosset@cov.com
25 COVINGTON & BURLING LLP
26 One CityCenter, 850 Tenth Street NW
27 Washington, D.C. 20001
28 Tel: (202) 662-6000
Fax: (202) 662-6291

Pursuant to Stipulation, **IT IS SO ORDERED.**

Dated: _____

By: 
Hon. Ronald M. Whyte
U.S. District Court Judge