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14 [Additional Counsel Appear on Signature Page]

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 **STERLING INTERNATIONAL**
 18 **CONSULTING GROUP, on behalf of itself**
 19 **and all others similarly situated,**

20 **Plaintiff,**

21 **v.**

22 **LENOVO (UNITED STATES) INC.,**
 23 **LENOVO GROUP LIMITED, and**
 24 **SUPERFISH INC.,**

25 **Defendants.**

26 **CAPTION CONTINUED ON THE NEXT**
 27 **PAGE**

Case No. 5:15-cv-00807-RMW

STIPULATION AND
ORDER

1 This document also relates to:

Case No. 5:15-cv-00964-RMW

2 CHRISTOPHER HALL, MATTHEW
3 KELSO, MICHAEL MORICI, JAYNE
4 COSTANZO, RYAN BAUMGARTNER,
5 LAURA BURNS, THOMAS CARNEY,
6 BEATRIZ DAVIS, DENNIS HASTY,
7 WENDY DURAN and GABE DURAN,
8 individually, and on behalf of all others
9 similarly situated,

10 Plaintiff,

11 v.

12 LENOVO (UNITED STATES), INC.,
13 LENOVO GROUP LIMITED and
14 SUPERFISH, INC.,

15 Defendants.

16 This document also relates to:

Case No. 5:15-cv-01044-RMW

17 RHONDA ESTRELLA, SONIA FEREZAN,
18 JOHN WHITTLE, and ALAN WOYT on
19 behalf of themselves and all others similarly
20 situated,

21 Plaintiffs,

22 v.

23 LENOVO (UNITED STATES), INC. and
24 SUPERFISH, INC.,

25 Defendants.

26 This document also relates to:

Case No. 3:15-cv-01069-RMW

27 KEN MARTINI, individually and on behalf
28 of all others similarly situated,

Plaintiff,

v.

LENOVO (UNITED STATES), Inc.
and SUPERFISH, INC.,

Defendants.

CAPTION CONTINUED ON THE NEXT
PAGE

1 This document also relates to:
2 JGX, INC. d/b/a LEFTY O'DOUL'S'
3 individually and on behalf of a class of those
4 similarly situated,
5
6 Plaintiff,
7 v.
8
9 LENOVO GROUP LIMITED, LENOVO
10 (UNITED STATES), INC., and
11 SUPERFISH, INC.,
12
13 Defendants.

Case No. 5:15-cv-01113-RMW

10 This document also relates to:
11 STANLEY D. JOHNSON, individually and
12 on behalf of all others similarly situated,
13
14 Plaintiff,
15 v.
16
17 LENOVO (UNITED STATES), INC.,
18 LENOVO GROUP LIMITED, and
19 SUPERFISH, INC.,
20
21 Defendants.

Case No. 5:15-cv-01122-RMW

19 This document also relates to:
20 MICHAEL SIMONOFF, individually and on
21 behalf of all others similarly situated,
22
23 Plaintiff,
24 v.
25
26 LENOVO (UNITED STATES), INC., and
27 SUPERFISH, INC.,
28
29 Defendants.
30
31 CAPTION CONTINUED ON THE NEXT
32 PAGE

Case No. 5:15-cv-01125- RMW

1 This document also relates to:
2 RUSSELL WOOD and THOMAS
3 WILSON, individually and on behalf of all
4 others similarly situated,
5
6 Plaintiffs,
7 v.
8 LENOVO (UNITED STATES), INC.,
9 LENOVO HOLDING COMPANY, INC.,
10 LENOVO GROUP LIMITED, and
11 SUPERFISH, INC.,
12
13 Defendants.

Case No. 5:15-cv-01166-RMW

11 This document also relates to:
12 MICHELLE BEHREN and MARY JANE
13 BARBOSA, individually and on behalf of all
14 others similarly situated,
15
16 Plaintiffs,
17 v.
18 LENOVO (UNITED STATES) INC. and
19 SUPERFISH INC.,
20
21 Defendants.

Case No. 3:15-cv-01177-RMW

20 This document also relates to:
21 ROBERT RAVENCAMP, on behalf of
22 Himself and all others similarly situated,
23
24 Plaintiff,
25 v.
26 LENOVO (UNITED STATES), INC. and
27 SUPERFISH, INC.,
28
29 Defendants.
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31 CAPTION CONTINUED ON THE NEXT
32 PAGE

Case No. 3:15-cv-01206-RMW

1 This document also relates to:

Case No. 5:15-cv-01270-PSG

2 SUSAN WEBSTER SCHULTZ, on behalf of
3 herself and all others similarly situated,

4 Plaintiff,

5 v.

6 LENOVO GROUP LIMITED, LENOVO
7 (UNITED STATES) INC. and SUPERFISH
8 INC.,

9 Defendants.

10
11 WHEREAS the above-referenced Plaintiffs filed the above-captioned cases;

12 WHEREAS the Schultz action was filed after the third motion to relate was filed and
13 has not yet been related to the other actions referenced above;

14 WHEREAS ten other putative class actions complaints have been filed to-date in
15 federal district courts throughout the United States by Plaintiffs asserting claims on behalf of
16 purchasers of computers manufactured by Lenovo containing software manufactured by
17 Defendant Superfish, Inc. (“Superfish”) (collectively, including the above-captioned matters,
18 the “In re Lenovo Adware Litig. cases”);

19 WHEREAS a motion is pending before the Judicial Panel on Multidistrict Litigation
20 (“JPML”) to transfer and coordinate the In re Lenovo Adware Litig. cases for pretrial
21 proceedings pursuant to 28 U.S.C. Sec. 1407 (“MDL Motion”), and has not yet been set for
22 hearing before the JPML;

23 WHEREAS the parties uniformly support transfer and consolidation and disagree only
24 on the issue of where the cases should be consolidated;

25 WHEREAS the MDL Motion is not on the docket for the JPML’s upcoming hearing
26 session, scheduled for March 26, 2015, and the next hearing session is scheduled for May 28,
27 2015;

1 WHEREAS, the parties anticipate that one or more consolidated complaints will be
2 filed in the In re Lenovo Adware Litig. cases;

3 WHEREAS the above-referenced Plaintiffs and Defendants Superfish and Lenovo
4 (United States) Inc. (“Lenovo”) have agreed that an orderly schedule for any response to the
5 pleadings in the In re Lenovo Litig. cases would be more efficient for the parties and for the
6 Court;

7 WHEREAS the above-referenced Plaintiffs agree, subject to court approval, that the
8 deadline for Defendants Superfish and Lenovo to answer or otherwise respond to their
9 respective complaints shall be extended until forty-five days after the JPML issues an order
10 deciding the MDL Motion, or as otherwise ordered by the MDL transferee Court if the MDL
11 Motion is granted;

12 WHEREAS, the above-referenced Plaintiffs and Defendants Superfish and Lenovo
13 agree that preservation of evidence in the case is vital, that Defendants have received litigation
14 hold letters, that they are complying with and will continue to comply with all of their
15 evidence preservation obligations under governing law;

16 WHEREAS this Stipulation does not constitute a waiver by the parties of any of their
17 respective claims, defenses or any other rights or positions they may have with respect to the
18 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack
19 of subject matter jurisdiction, improper venue, sufficiency of process or service of process;

20 Now, therefore, the above-referenced Plaintiffs and Defendants Superfish and Lenovo,
21 by and through their respective counsel of record, hereby stipulate as follows:

22 1. The Schultz action shall be related to the other above-referenced actions and
23 transferred to this Court because it meets all of the criteria set forth in Civil L.R. 3-12 for a
24 related case;

25 2. The deadline for Defendants Superfish and Lenovo to answer or otherwise
26 respond to any of the complaints in the above-referenced cases shall be extended until forty-
27 five days after the JPML issues an order deciding the MDL Motion, or as otherwise ordered
28 by the MDL transferee Court if the MDL Motion is granted;

1 3. This Stipulation does not constitute a waiver by the parties of any of their
2 respective claims, defenses or any other rights or positions they may have with respect to the
3 same, including, with respect to Defendants, the defenses of lack of personal jurisdiction, lack
4 of subject matter jurisdiction, improper venue, sufficiency of process, or service of process.

5 4. The parties agree that they are complying with and will continue to comply
6 with all evidentiary preservation obligations under governing law.

7
8 Dated: March 24, 2015

Respectfully submitted,

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807-RMW

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(United States) Inc., et al., Case No. 5:15-cv-
964-RMW

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5:15-cv-1044-RMW

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Group Limited, et al., Case No. 5:15-cv-1113-
RMW

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1122-RMW

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1125-RMW

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5-15-cv-1166-RMW

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3:15-cv-1177-RMW

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3:15-cv-1206-RMW

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Inc.

ORDER

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Pursuant to Stipulation, it is SO ORDERED.

DATED: _____



HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT COURT JUDGE