

EXHIBIT D

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

18 IN RE:
FACEBOOK PRIVACY LITIGATION

Case No. 10-cv-02389-JW

19 **STIPULATION AND [PROPOSED] ORDER**
20 **EXTENDING TIME TO RESPOND TO**
21 **COMPLAINT (L.R. 6-2)**

22 Courtroom: 8
Judge: James Ware
Trial Date: None Set

23
24 This Stipulation is entered into by and among plaintiffs David Gould and Mike Robertson
25 (collectively, "Plaintiffs") and defendant Facebook, Inc. ("Facebook") (Plaintiffs and Facebook
26 collectively "the Parties"), by and through their respective counsel.

27 WHEREAS, the complaint in *Gould v. Facebook, Inc.*, Case No. 10-cv-02389-JW
28 ("*Gould*") was filed on May 28, 2010;

1 WHEREAS, the complaint in *Robertson v. Facebook, Inc.*, Case No. 10-cv-02408-JF
2 (“*Robertson*”) was filed on June 1, 2010;

3 WHEREAS, this Court (Hon James Ware), by Order of July 26, 2010, related *Gould* and
4 *Robertson*;

5 WHEREAS, by Order of August 20, 2010, the Court consolidated *Gould* and *Robertson*
6 and ordered the new caption to be *In re Facebook Privacy Litigation*, Case No. 10-cv-02389-JW
7 (and ordered Case No. 10-cv-02408-JW to be closed);¹

8 WHEREAS, the Plaintiffs filed their Consolidated Class Action Complaint in the above-
9 captioned action on October 10, 2010;

10 WHEREAS, on November 5, 2010, the Court entered an Order extending from November
11 10, 2010 to December 10, 2010 as the deadline for Facebook to answer, move to dismiss, or
12 otherwise respond to the Consolidated Class Action Complaint in the above-captioned litigation;

13 WHEREAS, by Orders dated November 12 and 19, 2010, this Court granted
14 administrative motions relating several other cases against Facebook, Zynga, or both to the
15 above-captioned action (*In re Facebook Privacy Litigation*);

16 WHEREAS, in the November 12 and 19, 2010 Orders, this Court invited the parties in the
17 related cases to fully brief, by November 22, 2010, the issue of whether the related cases should
18 be consolidated and the issue of who should be appointed Lead Plaintiff and Lead Counsel;

19 WHEREAS, parties in the related cases filed briefing on November 22, 2010;

20 WHEREAS, Plaintiffs the above-captioned action filed briefing opposing consolidation
21 and seeking renewal of their appointment as Co-Lead Counsel and Co-Lead Plaintiff on
22 November 22, 2010;

23 WHEREAS, this Court has not yet issued a decision on consolidation and appointment of
24 Lead Plaintiff and Lead Counsel;

25
26 _____
27 ¹ While efforts were undertaken to get the actions related and then consolidated, the Parties
28 stipulated to extensions of Facebook’s deadline to respond to the complaints. Orders granting
extensions pursuant to these stipulations were entered on June 14, July 27, and August 11 in
Robertson, and on June 24, July 27, and August 11 in *Gould*.

1 WHEREAS, under Civil Local Rule 6-2, parties may file a stipulation requesting an order
2 extending the time within which to answer, move to dismiss, or otherwise respond to the
3 Complaint; and

4 WHEREAS, extending the date for Facebook to answer, move to dismiss, or otherwise
5 respond to the Complaint as set forth below will not alter the date of any event or deadline
6 already fixed by Court order;

7 NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

8 1. Facebook’s deadline to respond to the Complaint (answer, move, or otherwise
9 respond) is extended to and including the later of (a) December 22, 2010 or (b) 30 days after the
10 Court decides whether an amended complaint shall be filed.

11 2. If the Court orders an amended complaint to be filed, Facebook is relieved of the
12 obligation of responding to the current Consolidated Class Action Complaint, and shall have 30
13 days following filing of the amended complaint to respond (answer, move, or otherwise respond),
14 unless a different date is ordered by the Court.

15 3. Facebook agrees to confer with Plaintiffs on a briefing and hearing schedule
16 before filing any motion in response to the operative complaint.

17

18 **IT IS SO STIPULATED.**

19

20 Dated: December 8, 2010

COOLEY LLP

21

/s/ Matthew D. Brown
Matthew D. Brown
Attorneys for Defendant Facebook, Inc.

22

23

24 Dated: December 8, 2010

EDELSON MCGUIRE LLC

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/s/ Michael J. Aschenbrener
Michael J. Aschenbrener (pro hac vice)
Attorneys for Plaintiffs

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Dated: December 8, 2010

NASSIRI & JUNG LLP

/s/ Kassra P. Nassiri
Kassra P. Nassiri
Attorneys for Plaintiffs

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December ____, 2010

THE HONORABLE JAMES WARE
United States District Judge

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FILER'S ATTESTATION

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this Stipulation to Extend Time to Respond to Complaint (L.R. 6-1(a)).

Dated: December 8, 2010

/s/ Matthew D. Brown
Matthew D. Brown

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