

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brian Zard, on behalf of himself
and other individuals similarly situated,

Plaintiff,

v.

Groupon, Inc., a Delaware Corporation,

Defendant.

Civil Action No.: 11-cv-00605 PAM/FLN

STIPULATION TO EXTEND TIME

The undersigned parties through their respective attorneys hereby stipulate and agree as follows:

1. On or about March 8, 2011, Plaintiff filed a Complaint in this Court against Groupon, Inc.
2. On or about March 15, 2011, Groupon was served with the Complaint.
3. On or about March 11, 2011, plaintiffs in two other actions against Groupon¹ filed with the Judicial Panel on Multidistrict Litigation (“JPML”) a motion to transfer this case, along with eight other cases to the Northern District of California (“MDL Motion”).

¹ *Ferreira v. Groupon, Inc.*, No.-11-cv-0132-DMS(POR) (S.D. Cal. filed Jan. 21, 2011) and *Gosling v. Groupon, Inc.*, No. 11-cv-01038-CRB (N.D. Cal. filed March 4, 2011).

4. On March 24, 2011, the parties entered into a stipulation to extend the time for Groupon to answer or otherwise respond to the Complaint to May 5, 2011. This Court signed an order approving that stipulation on March 28, 2011.

5. On April 4, 2011, Plaintiff Brian Zard filed a motion with the JPML joining the MDL Motion to transfer the actions against Groupon to the Northern District of California for consolidated pretrial proceedings.

6. Also on April 4, 2011, Groupon, along with other defendants, filed a Response with the JPML, agreeing that the actions should be consolidated, but stating that the Southern District of California is the most appropriate forum for transfer.

7. The parties understand that the JPML will hear the MDL Motion on May 16, 2011.

8. Extending Groupon's response date until after the JPML panel rules on the MDL Motion will promote judicial economy, eliminate the potential for conflicting pretrial rulings, and limit unnecessary party expenses and burdens. *See Calder v. A.O. Smith Corp.*, No. Civ. 04-1481 JRT/AJB, 2004 WL 1469370, at *1 (D. Minn. June 1, 2004) (granting stay pending the JPML's decision to transfer the case because "[d]eference to the MDL court for resolution of these matters provides the opportunity for the uniformity, consistency, and predictability in litigation that underlies the multidistrict litigation system.").

9. For these reasons, the parties hereby stipulate and agree that Groupon's time to answer or otherwise respond to the Complaint shall be extended until (i) 45 days after the filing of a Consolidated Amended Complaint or whatever other deadline is set by the transferee court, in the event the JPML grants the MDL Motion, or (ii) 45 days after service of the JPML's decision on the MDL Motion to consolidate or whatever deadline is set by this Court, in the event the JPML denies the MDL Motion to consolidate.

IT IS SO STIPULATED.

Date: April 6, 2011

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