

1 Shawn Hanson (State Bar No. 109321)
 shanson@jonesday.com
 2 JONES DAY
 555 California Street, 26th Floor
 3 San Francisco, CA 94104
 Telephone: (415) 626-3939
 4 Facsimile: (415) 875-5700

5 Attorneys for Defendant
 HOTWIRE, INC.

6 [Counsel for Defendants Continued on Signature Page]
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 **SEAN LANE, et al.,**
 13 **Plaintiffs,**
 14 **v.**
 15 **FACEBOOK, INC., et al.,**
 16 **Defendants.**

Case No. C 08-03845 RS
JOINT STIPULATION AND
[PROPOSED] ORDER RE OPEN
EXTENSION OF TIME TO
RESPOND TO COMPLAINT

Judge: Richard Seeborg

18
 19 Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate and
 20 agree, subject to the approval of the Court, as follows:

21 1. Defendant Facebook, Inc. intends to file a motion to dismiss the complaint on or
 22 before October 10, 2008, and all parties to this action wish to have that motion to dismiss
 23 resolved prior to requiring responsive pleadings from the non-Facebook defendants given similar
 24 issues of law pertaining to the claims asserted in the complaint as against such defendants.

25 2. In furtherance thereof, all parties stipulate that Plaintiffs and each of them will
 26 give each of the non-Facebook defendants an open extension of time to respond to the complaint
 27 that Plaintiffs may terminate without Court approval at any time upon thirty (30) days written
 28 notice to each of the non-Facebook defendants.

JOINT STIP. & PROP. ORD. RE OPEN EXT.
 OF TIME TO RESPOND, C 08-03845 RS

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

3. All parties stipulate further that no non-Facebook defendant will respond to the complaint in any subsequently-filed related case prior to responding to the complaint in this matter and will promptly notify all parties of any subsequently-filed related case. Each non-Facebook defendant will meet and confer with Plaintiffs' counsel with respect to any notice of related cases if such non-Facebook defendant is served with a complaint.

4. The parties respectfully request the Court to reschedule the initial case management conference, currently scheduled for December 3, 2008 at 2:30 p.m., to sometime in January 2009. The parties further request the Court to schedule a status conference during the week of December 15, 2008, and to relieve the parties from preparing initial disclosures (currently due on November 26, 2008) until a new date is set for the initial case management conference.

5. Given that many of the parties have not yet appeared in this action, all parties reserve the right to file and serve a Declination to Proceed before the United States Magistrate Judge at any time prior to the filing and service by Plaintiffs of their opposition to Facebook's motion to dismiss.

DATED: October 10, 2008

KAMBEREDELSON LLC

By: /s/ Alan Himmelfarb
Alan Himmelfarb
Scott A. Kamber (not admitted; *pro hac*
vice application to be filed)
Attorneys for Plaintiffs

DATED: October 9, 2008

COOLEY GODWARD KRONISH LLP

By: /s/ Michael G. Rhodes
Michael G. Rhodes
Attorneys for Facebook, Inc.

1 DATED: October 9, 2008

JONES DAY

2

By: /s/ Shawn Hanson
Shawn Hanson
Attorneys for Defendant Hotwire, Inc.

3

4

5

6 DATED: October 9, 2008

VINSON & ELKINS LLP

7

By: /s/ Marc A. Fuller
Marc A. Fuller
Attorneys for Defendant Blockbuster, Inc.

8

9

10

11 DATED: October 9, 2008

ZAPPOS.COM, INC.

12

By: /s/ Donna M. Herzing
Donna M. Herzing
Attorneys for Defendant Zappos.com, Inc.

13

14

15

16 DATED: October __, 2008

OVERSTOCK.COM, INC.

17

By: _____
Jonathan Johnson
Attorneys for Defendant Overstock.com, Inc.

18

19

20 DATED: October 9, 2008

FANDANGO, INC.

21

By: /s/ Lisa H. Harrington
Lisa H. Harrington
Attorneys for Defendant Fandango, Inc.

22

23

24

25 DATED: October 9, 2008

HAYES DAVIS BONINO ELLINGSON MCLAY &
SCOTT, LLP

26

By: /s/ Stephen P. Ellingson
Stephen P. Ellingson
Attorneys for Defendant STA Travel, Inc.

27

28

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

DATED: October 10, 2008

SHEPPARD, MULLIN, RICHTER & HAMPTON
LLP

By: /s/ Kent R. Raygor
Kent R. Raygor
Attorneys for Defendant Gamefly, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2008

The Honorable Richard Seeborg
Magistrate Judge of the United States
District Court