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12

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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

19 WANG XIAONING, YU LING, SHI TAO,
and ADDITIONAL PRESENTLY
20 UNNAMED AND TO BE IDENTIFIED
INDIVIDUALS,

21 Plaintiff,

22 v.

23 YAHOO, INC., a Delaware Corporation,
YAHOO! HOLDINGS (HONG KONG),
24 LTD., a Foreign Subsidiary of Yahoo!,
ALIBABA.COM, INC. a Delaware
25 Corporation, AND OTHER PRESENTLY
UNNAMED AND TO BE IDENTIFIED
26 INDIVIDUAL EMPLOYEES OF SAID
CORPORATIONS,

27 Defendant.
28

Case No. C07-02151 CW

**JOINT STIPULATED REQUEST FOR
ORDER ENLARGING TIME TO
RESPOND TO COMPLAINT AND
EXTENDING INITIAL DEADLINES;
PROPOSED ORDER; DECLARATION OF
DANIEL PETROCELLI**

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RECITALS

WHEREAS, defendant Yahoo!, Inc. (“Yahoo!”) was served with the summons and Amended Complaint for Tort Damages in this case on May 30, 2007 (“Amended Complaint”), and its response is due June 19, 2007;

WHEREAS, defendant Alibaba.com, Inc. was served with the summons and Amended Complaint in this case on May 31, 2007, and its response is due June 20, 2007;

WHEREAS, there is a dispute whether specially appearing defendant Yahoo! Holdings (Hong Kong) Ltd.—which changed its name, in 2006, to Yahoo! Hong Kong Limited (“YHKL”)—was served with the summons and Amended Complaint in this case and whether it is required to file any response;

WHEREAS, Daniel Petrocelli, lead trial counsel for Yahoo! has a long-standing family vacation to travel out of the country, which is scheduled to begin July 1 and end July 22;

WHEREAS, no previous extensions of time have been sought in this case;

STIPULATION

WHEREAS, NOW THEREFORE, the parties hereby stipulate and jointly request that:

(1) YHKL be permitted to agree to waive service in this case pursuant to Federal Rule of Civil Procedure 4(d), without any prejudice to its ability to move to dismiss this case for lack of personal jurisdiction;

(2) the date for defendants to respond to the Amended Complaint be enlarged—pursuant to Federal Rule of Civil Procedure 6 and Civil Local Rule 6-2—from the respective dates mentioned above to July 27, 2007 for all defendants;

(a) plaintiffs’ reply to the defendants’ response to the Amended Complaint and to any Motions therein be due August 27, 2007;

(b) any reply briefs filed by defendants in support of their motions be due September 14, 2007;

(3) the deadlines set forth in the Court’s April 18, 2007 Order Setting Initial Case Management Conference And ADR Deadlines be extended as follows:

(a) the last day to meet and discuss initial disclosures, early settlement, ADR, and

1 discovery matters be extended from July 17, 2007 to August 17, 2007;

2 (b) the last day to file a Rule 26(f) Report, complete initial disclosures or state
3 objections in Rule 26(f) report, and file a Case Management Statement or other Civil
4 Local Rule 16-9(a) Joint or Separate Case Management Statements be extended from July
5 31, 2007 until September 7, 2007;

6 (c) the Initial Case Management Conference with the Court be moved from August
7 7, 2007 to September 18, 2007;

8 (3) the parties be allowed to reserve their right to seek further enlargement of time and
9 propose a modified case management plan consistent with the Standing Order for All Judges of
10 the Northern District of California, Contents of Joint Case Management Statement (effective Mar.
11 1, 2007); and

12 (4) plaintiffs be allowed to reserve their right to further amend the Amended Complaint.

14 Dated: June 18, 2007


MORTON H. SKLAR
WORLD ORGANIZATION FOR HUMAN
RIGHTS USA

17 By: _____ /S/ (with permission)
Morton H. Sklar, Esq.
Attorney for Plaintiffs

18 Local Counsel for Plaintiffs
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Facsimile: (415) 268-1999

23 Dated: June 18, 2007

DANIEL PETROCELLI, ESQ.
O'MELVENY & MYERS LLP

25 By:  _____
26 Daniel Petrocelli, Esq.
27 Attorney for Defendant YAHOO!, INC. and
28 Specially Appearing Defendant YAHOO!
HOLDINGS (HONG KONG), LTD.

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Dated: June 18, 2007

JOSEPH P. CYR, ESQ.
LOVELLS LLP

By: _____ /S/ (with permission)
Joseph P. Cyr, Esq.
Attorneys for Defendant ALIBABA.COM,
INC.

ORDER [Proposed]

PURSUANT TO STIPULATION, it is so ORDERED.

SIGNED on the _____ day of _____, 2007.

The Honorable Claudia Wilken
Judge, United States District Court
for the Northern District of California

DECLARATION OF DANIEL M. PETROCELLI

I, DANIEL M. PETROCELLI, declare:

1. I am a partner in law firm of O’Melveny & Myers, LLP, attorney of record for defendant Yahoo!, Inc. (“Yahoo!”) and specially appearing defendant Yahoo! Holdings (Hong Kong), Ltd. I submit this declaration, pursuant to Local Rule 6-2(a), in support of the parties’ Joint Stipulated Request For Order Enlarging Time To Respond To Complaint And Extending Initial Deadlines. Except where indicated otherwise, I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. On information and belief, defendant Yahoo! was served with the summons and Amended Complaint for Tort Damage (“Amended Complaint”) in this case on May 30, 2007.

3. On information and belief, defendant Alibaba.com, Inc. was served with the summons and Amended Complaint in this case on May 31, 2007.

4. There are differences in views whether specially appearing defendant Yahoo! Holdings (Hong Kong) Ltd.—which changed its name, in 2006, to Yahoo! Hong Kong Limited (“YHKL”)—was served with the summons and amended complaint in this case.

5. Specially appearing defendant YHKL has agreed to waive service in this case pursuant to Federal Rule of Civil Procedure 4(d), without any prejudice to its ability to move to dismiss this case for lack of personal jurisdiction.

6. Defendants’ counsel are diligently attempting to conduct an investigation into the facts, circumstances, and issues in the case and require additional time to do so. Plaintiffs’ counsel, by agreeing to this stipulation, does not endorse this statement.

7. I have litigated cases of this sort before. Based on my experience and my review of the Amended Complaint, the case raises a numerous issues that will require extensive motion practice and briefing. Given the nature of the case, we will also request that the Court seek the views of the U.S. government and perhaps other authorities regarding the impact of this case on foreign and other government policies. Plaintiffs’ counsel, by agreeing to this stipulation, does not endorse these statements.

8. I have a long-standing family vacation to travel out of the country scheduled to

1 begin July 1 and end July 22.

2 9. I have discussed the scheduling and other issues presented in this Joint Stipulation
3 with Joseph Cyr, counsel for Alibaba.com, Inc., and Morton Sklar, counsel for plaintiffs,
4 including my proposal to have an early case management conference in this case and to request a
5 schedule to address sequentially certain threshold matters, such as the question whether YHKL is
6 subject to jurisdiction in this case. Plaintiffs' counsel did not agree to this proposal, taking the
7 position that "these matters are properly addressed through regular ADR and case management
8 discussions among the parties' counsel, and at the regularly scheduled initial case management
9 conference. Whichever approach is taken, these matters will require extensive time to deal with
10 properly, that is reflected in the revised case management schedule that is being jointly
11 proposed." Defendants anticipate promptly filing a motion to address case management issues.

12 10. No previous extensions of time have been sought in this case.

13 11. If the order the parties propose is granted, the requested time modification would
14 have the following effect on the schedule for this case:

15 (a) the date for defendants to respond to the Amended Complaint would be
16 enlarged—pursuant to Federal Rule of Civil Procedure 6 and Civil Local Rule 6-2—from
17 the respective dates mentioned above to July 27, 2007 for all defendants;

18 (i) plaintiffs' reply to the defendants' response to the Amended Complaint
19 and to any Motions therein be due August 27, 2007;

20 (ii) any reply briefs filed by defendants in support of their motions would
21 be due September 14, 2007;

22 (b) the deadlines set forth in the Court's April 18, 2007 Order Setting Initial Case
23 Management Conference And ADR Deadlines would be extended as follows:

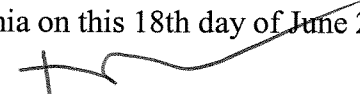
24 (i) the last day to meet and discuss initial disclosures, early settlement,
25 ADR, and discovery matters would be extended from July 17, 2007 to August 17,
26 2007;

27 (ii) the last day to file a Rule 26(f) Report, complete initial disclosures or
28 state objections in Rule 26(f) report, and file a Case Management Statement or

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other Civil Local Rule 16-9(a) Joint or Separate Case Management Statements would be extended from July 31, 2007 until September 7, 2007; and (iii) the Initial Case Management Conference with the Court would be moved from August 7, 2007 to September 18, 2007.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed in Los Angeles, California on this 18th day of June 2007.



Daniel M. Petrocelli