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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

OPEN SOURCE SECURITY, INC., and
BRADLEY SPENGLER,

Plaintiffs,

v.

BRUCE PERENS, and Does 1-50,

Defendants.

Case No. 3:17-cv-04002-LB

**STIPULATED REQUEST TO SET
REVISED SCHEDULE FOR
PROCEEDINGS ON MOTION FOR
PARTIAL SUMMARY JUDGMENT,
ANTI-SLAPP MOTION, AND
MOTION TO DISMISS; [PROPOSED]
ORDER**

***[Declaration of Melody Drummond
Hansen filed concurrently herewith]***

Judge: Hon. Laurel Beeler

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, and subject to the Court's approval, Plaintiffs Open Source Security, Inc. ("OSS") and Bradley Spengler, and Defendant Bruce Perens hereby stipulate to the following revised dates and deadlines relating to OSS's pending motion for partial summary judgment (ECF No. 24) and Defendant's forthcoming renewed anti-SLAPP motion and renewed motion to dismiss for failure to state a claim:

Event	Stipulated Date
Defendant's opposition to OSS's motion for partial summary judgment	October 31, 2017 (Currently October 25, 2017)
Defendant's response to First Amended Complaint (anti-SLAPP motion and motion to dismiss)	October 31, 2017 (Unchanged)
OSS's reply in support of motion for partial summary judgment	November 14, 2017 (Currently November 1, 2017)
Plaintiffs' response to Defendant's anti-SLAPP motion and motion to dismiss	November 21, 2017 (Currently November 14, 2017)
Defendant's replies in support of anti-SLAPP motion and motion to dismiss	November 30, 2017 (Currently November 21, 2017)
Combined hearing on Defendant's anti-SLAPP motion and motion to dismiss, and OSS's motion for partial summary judgment	December 14, 2017 (Currently November 16, 2017 for OSS's motion)

On October 20, 2017, Defendant filed a motion to continue all dates and deadlines relating to OSS's motion for partial summary judgment until after the Court renders a decision on Defendant's renewed anti-SLAPP motion and renewed motion to dismiss. (ECF No. 26.) On October 21, the Court entered an order deferring ruling on Defendant's motion to continue and encouraging the parties to further confer on a schedule. (ECF No. 27.)

The parties have conferred regarding a schedule per the Court's order and have agreed to the above stipulated schedule, which extends deadlines for Defendant to oppose OSS's motion for partial summary judgment, for OSS's reply in support of its motion for summary judgment, for Plaintiffs to respond to Defendant's anticipated anti-SLAPP motion and Rule 12(b)(6) motion to dismiss the First Amended Complaint, and for Defendant's replies in support of his anti-SLAPP and Rule 12(b)(6) motions. The parties also propose a combined hearing for the motions to conserve Court and party resources and to permit more efficient consideration of overlapping

issues raised by those motions. The parties' proposals are for the convenience of the parties and the Court and to promote orderly resolution of the parties' disputes.

The only dates affected by this stipulated request are briefing deadlines and hearing dates relating to OSS's motion for partial summary judgment and Defendant's forthcoming renewed anti-SLAPP and Rule 12(b)(6) motions. The Court previously granted a stipulated request to reschedule the Initial Case Management Conference and related deadlines. (ECF Nos. 15, 16.) On October 11, 2017, the parties stipulated to extend Defendant's deadline to answer or otherwise respond to Plaintiffs' First Amended Complaint. (ECF No. 23.) In light of the parties' agreement, Defendant will separately file a notice withdrawing the motion to continue. (ECF No. 26.)

For the foregoing reasons, the undersigned parties respectfully request that:

- (1) the deadline for Defendant's opposition to OSS's motion for partial summary judgment be extended to **October 31, 2017** from October 25, 2017;
- (2) the deadline for OSS's reply in support of its motion for partial summary judgment be extended to **November 14, 2017** from November 1, 2017;
- (3) the deadline for Plaintiffs' response to Defendant's forthcoming renewed anti-SLAPP motion and renewed motion to dismiss be extended to **November 21, 2017** from November 14, 2017;
- (4) the deadline for Defendant's replies in support of his renewed anti-SLAPP motion and renewed motion to dismiss be extended to **November 30, 2017** from November 21, 2017;
- (5) the currently scheduled November 16, 2017 hearing date for OSS's motion for partial summary judgment be rescheduled as further indicated; and
- (6) a combined hearing on OSS's motion for partial summary judgment and Defendant's renewed anti-SLAPP motion and renewed motion to dismiss be scheduled for **December 14, 2017**.

The foregoing is so stipulated among the parties by and through their undersigned counsel.

1 Dated: October 24, 2017

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3 MELODY DRUMMOND HANSEN
4 HEATHER J. MEEKER
5 CARA L. GAGLIANO
6 O'MELVENY & MYERS LLP

7 By: /s/ Melody Drummond Hansen
8 Melody Drummond Hansen
9 Attorneys for Defendant Bruce Perens

10 Dated: October 24, 2017

11 ROHIT CHHABRA
12 CHHABRA LAW FIRM, PC

13 By: /s/ Rohit Chhabra
14 Rohit Chhabra
15 Attorney for Plaintiffs Open Source Security,
16 Inc. and Bradley Spengler

17 **ATTESTATION CLAUSE**

18 I, Melody Drummond Hansen, hereby attest in accordance with Local Rule 5-1(i)(3) that
19 each signatory has concurred in the filing of this document.

20 Dated: October 24, 2017

O'MELVENY & MYERS LLP

21 By: /s/ Melody Drummond Hansen
22 Melody Drummond Hansen
23 Attorneys for Defendant Bruce Perens

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

The Honorable Laurel Beeler
United States District Magistrate Judge