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Bruce Perens

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12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO**

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16 OPEN SOURCE SECURITY, INC., and  
BRADLEY SPENGLER,

17 Plaintiffs,

18 v.

19 BRUCE PERENS, and Does 1-50,

20 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:

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

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

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

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

- 11 (1) the deadline for Defendant's opposition to OSS's motion for partial summary  
12 judgment be extended to **October 31, 2017** from October 25, 2017;
- 13 (2) the deadline for OSS's reply in support of its motion for partial summary judgment be  
14 extended to **November 14, 2017** from November 1, 2017;
- 15 (3) the deadline for Plaintiffs' response to Defendant's forthcoming renewed anti-SLAPP  
16 motion and renewed motion to dismiss be extended to **November 21, 2017** from  
17 November 14, 2017;
- 18 (4) the deadline for Defendant's replies in support of his renewed anti-SLAPP motion and  
19 renewed motion to dismiss be extended to **November 30, 2017** from November 21,  
20 2017;
- 21 (5) the currently scheduled November 16, 2017 hearing date for OSS's motion for partial  
22 summary judgment be rescheduled as further indicated; and
- 23 (6) a combined hearing on OSS's motion for partial summary judgment and Defendant's  
24 renewed anti-SLAPP motion and renewed motion to dismiss be scheduled for  
25 **December 14, 2017**.

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

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Dated: October 24, 2017

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

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

Dated: October 24, 2017

ROHIT CHHABRA  
CHHABRA LAW FIRM, PC

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

**ATTESTATION CLAUSE**

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

Dated: October 24, 2017

O'MELVENY & MYERS LLP

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

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**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: \_\_\_\_\_

The Honorable Laurel Beeler  
United States District Magistrate Judge