

1 MELODY DRUMMOND HANSEN (S.B. #278786)  
mdrummondhansen@omm.com  
2 HEATHER J. MEEKER (S.B. #172148)  
hmeeker@omm.com  
3 O'MELVENY & MYERS LLP  
2765 Sand Hill Road  
4 Menlo Park, California 94025-7019  
Telephone: +1 650 473 2600  
5 Facsimile: +1 650 473 2601

6 CARA L. GAGLIANO (S.B. #308639)  
cgagliano@omm.com  
7 Two Embarcadero Center  
28th Floor  
8 San Francisco, California 94111-3823  
Telephone: +1 415 984 8700  
9 Facsimile: +1 415 984 8701

10 Attorneys for Defendant  
Bruce Perens

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

15  
16 OPEN SOURCE SECURITY, INC., and  
BRADLEY SPENGLER,

17 Plaintiffs,

18 v.

19 BRUCE PERENS, and Does 1-50,

20 Defendants.  
21  
22

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

**DECLARATION OF MELODY  
DRUMMOND HANSEN IN SUPPORT  
OF STIPULATED REQUEST TO SET  
REVISED SCHEDULE FOR  
PROCEEDINGS ON MOTION FOR  
PARTIAL SUMMARY JUDGMENT,  
ANTI-SLAPP MOTION, AND  
MOTION TO DISMISS**

Judge: Hon. Laurel Beeler

**DECLARATION OF MELODY DRUMMOND HANSEN**

I, Melody Drummond Hansen, declare as follows:

1. I am a partner of O’Melveny & Myers LLP, the attorneys of record for Defendant Bruce Perens in the above-referenced action, and am admitted to practice before this Court. Pursuant to Civil Local Rule 6-2(a), I submit this declaration in support of the parties’ Stipulated Request to Set Revised Schedule for Proceedings on Motion for Partial Summary Judgment, Anti-SLAPP Motion, and Motion to Dismiss. I have personal knowledge and am informed of the facts stated herein and, if called to testify, I could and would testify completely hereto.

2. On September 18, 2017, Mr. Perens moved to strike all claims of the original complaint (ECF No. 1) under the California anti-SLAPP law, Cal. Civ. Proc. Code § 425.16, and to dismiss all claims under Federal Rule of Civil Procedure 12(b)(6). (ECF No. 11.)

3. On October 2, Plaintiffs filed a First Amended Complaint. (ECF No. 18, “FAC.”) On October 10, Mr. Perens notified the Court that he was withdrawing his motions solely on the basis of procedural mootness and informed the Court of his intent to file renewed motions to strike and to dismiss the FAC and to seek fees based on both complaints. (ECF No. 21.) On October 11, the parties stipulated to extend Mr. Perens’s deadline to respond to the FAC from October 16 to October 31. (ECF No. 23.)

4. Also on October 11, Plaintiff Open Source Security, Inc. (“OSS”) filed a motion for partial summary judgment as to its claim for defamation per se.

5. The parties previously attempted to reach an agreement on a schedule for briefing and hearing on OSS’s motion for partial summary judgment and Mr. Perens’s renewed anti-SLAPP motion and motion to dismiss, but they were unable to reach an agreement. Mr. Perens then moved for a continuance on the briefing and hearing dates for OSS’s motion for partial summary judgment. (ECF No. 26.)

6. On October 21, the Court entered an order deferring ruling on Mr. Perens’s motion to continue, stating that a response was due under the local rules by Tuesday, October 24, and encouraging the parties to further confer on a schedule. (ECF No. 27.)

1           7.       In accordance with the Court's guidance, the parties further conferred regarding  
2 the proposed schedules and reached a compromise agreement on the following schedule:

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

12           8.       The parties' proposals are for the convenience of the parties and the Court and to  
13 promote orderly resolution of the parties' disputes. The parties propose a combined hearing for  
14 the motions to conserve Court and party resources and to permit more efficient consideration of  
15 overlapping issues raised by those motions.

16           9.       The only dates affected by the proposed schedule are the dates relating to OSS's  
17 motion for partial summary judgment and Mr. Perens's forthcoming renewed anti-SLAPP and  
18 Rule 12(b)(6) motions. The Court previously granted a stipulated request to reschedule the Initial  
19 Case Management Conference and related deadlines. (ECF Nos. 15, 16.) On October 11, 2017,  
20 the parties stipulated to extend Mr. Perens's deadline to answer or otherwise respond to Plaintiffs'  
21 First Amended Complaint. (ECF No. 23.)

22           10.       I declare under penalty of perjury under the laws of the United States that the  
23 foregoing is true and correct, and that this declaration was executed this 24th day of October,  
24 2017 in San Francisco, California.

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By: /s/ Melody Drummond Hansen  
Melody Drummond Hansen  
Of O'Melveny & Myers LLP