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SONY COMPUTER ENTERTAINMENT AMERICA LLC

10
11 UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 SONY COMPUTER ENTERTAINMENT
AMERICA LLC, a Delaware limited
15 liability company,

16 Plaintiff,

17 v.

18 GEORGE HOTZ; HECTOR MARTIN
CANTERO; SVEN PETER; and DOES
19 1 through 100,

20 Defendants.

CASE NO. 11-cv-000167 SI

**STIPULATION AND [PROPOSED]
ORDER RE: SCHEDULING
PERSONAL JURISDICTION BRIEFING
AND HEARING; PARTIES'
STATEMENTS RE: PRELIMINARY
INJUNCTION BRIEFING AND
HEARING.**

Judge: Hon. Susan Illston

1 WHEREAS, on January 27, 2011, the Court issued an Order Granting Plaintiff's
2 Motion For A Temporary Restraining Order, Order to Show Cause Re: Preliminary
3 Injunction, and other relief ("TRO Order");

4 WHEREAS, in its TRO Order, the Court directed the parties to meet and confer
5 regarding a briefing schedule and hearing date on (1) plaintiff's motion for preliminary
6 injunction against Hotz; and (2) defendant Hotz's motion to dismiss for lack of personal
7 jurisdiction;

8 WHEREAS, the Court instructed the parties to "submit a stipulation and proposed
9 order regarding the briefing schedule and hearing date by February 1, 2011"; and

10 WHEREAS, the parties, through their counsel, met and conferred on January 31
11 and February 1, 2011, and were able to achieve agreement only as to the briefing and
12 hearing on Defendant Hotz's jurisdictional challenge.

13 **THEREFORE, Plaintiff Sony Computer Entertainment America LLP ("SCEA")**
14 **and Defendant George Hotz hereby STIPULATE as follows with respect to**
15 **Defendant Hotz's jurisdictional challenge:**

16 1. Defendant Hotz shall file his motion to dismiss for lack of personal jurisdiction
17 on February 2, 2011, to be heard on the Court's regular civil motion calendar, on Friday,
18 March 11, 2011.

19 2. Plaintiff SCEA shall file its Opposition on February 18, 2011.

20 3. Defendant Hotz shall file his Reply, if any, on February 25, 2011.

21 **With respect to the preliminary injunction hearing, the parties state their**
22 **respective positions as follows:**

23 1. Defendant Hotz reads the Court's TRO Order as contemplating a briefing
24 and hearing schedule on the preliminary injunction in addition to a jurisdictional challenge
25 under a Rule 12 motion and believes that such is required pursuant to FRCP 65(b)(2).
26 Defendant Hotz therefore requests that his objections to the TRO Order be addressed
27 and that a preliminary injunction determination be made within fourteen (14) days of the
28



1 TRO Order. Defendant Hotz proposes the following briefing and hearing schedule for
 2 the preliminary injunction:

3 Thursday, Feb. 3 (5:30 p.m.): Defendant Hotz files his brief on OSC
 4 Monday, Feb. 7 (5:30 p.m.): Plaintiff SCEA files its Opposition
 5 Tuesday, Feb. 8 (5:30 p.m.): Defendant files a reply.
 6 February 9 or 10: Hearing on Preliminary Injunction
 7

8 2. Plaintiff SCEA reads the Court's TRO Order as contemplating a single
 9 hearing at which the jurisdiction issues and other preliminary injunction issues would be
 10 addressed and believes that this is the most efficient and fair approach. SCEA thus
 11 proposes that the Court consolidate the briefing of the two motions on the agreed
 12 schedule set forth above for the jurisdiction motion and that the Court hold a single
 13 hearing on March 11, 2011. SCEA further requests that the Court extend the TRO Order
 14 until such time as the consolidated hearing occurs, without prejudice to Defendant's
 15 ability to seek to modify the scope of the TRO in the interim.
 16

17 Respectfully submitted,

18 DATED: February 1, 2011

KILPATRICK TOWNSEND & STOCKTON LLP

20 By: /s/ Timothy R. Cahn
 21 TIMOTHY R. CAHN

22 Attorneys for Plaintiff
 23 SONY COMPUTER ENTERTAINMENT AMERICA
 24 LLC

25 DATED: February 1, 2011

/s/ Stewart Kellar
 26 STEWART KELLAR
 E-ttorney at Law™

27 Attorney for Defendant
 28 GEORGE HOTZ



PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT:

1. Defendant Hotz shall file his motion to dismiss for lack of personal jurisdiction on February 2, 2011, to be heard on the Court's regular civil motion calendar, on Friday, March 11, 2011.
2. Plaintiff SCEA shall file its Opposition on February 18, 2011.
3. Defendant Hotz shall file his Reply, if any, on February 25, 2011.

The preliminary injunction will be briefed on the same schedule

IT IS SO ORDERED.

DATED: 2/4/11



HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

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