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15 *Co-Lead Class Counsel*

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION

19 IN RE YAHOO MAIL LITIGATION

20 Case No. 5:13-cv-4980 LHK

21 **STIPULATION AND ~~PROPOSED~~**  
22 **ORDER REGARDING WITHDRAWAL**  
23 **OF MOTION FOR SANCTIONS AND**  
24 **WITHDRAWAL OF MOTION FOR**  
25 **APPEAL BOND**

26 Next Hearing: December 22, 2016  
27 Time: 1:30 P.M.  
28 Courtroom: 8

District Court Judge Lucy H. Koh

1 Plaintiffs Cody Baker, Halima Nobles, Rebecca Abrams, and Brian Pincus  
2 (“Plaintiffs”) and Objector Patrick S. Sweeney, Esq. (“Sweeney”), enter into the following  
3 stipulation to withdraw Plaintiffs’ Motion for Sanctions (ECF No. 209) and Plaintiffs’ Motion  
4 for Appeal Bond (ECF No. 211) and to vacate the hearing on those motions scheduled for  
5 December 22, 2016.

6 WHEREAS, Plaintiffs filed a Motion for Sanctions on Sweeney under Fed. R. Civ. P. 11  
7 on September 29, 2016 (ECF No. 209);

8 WHEREAS, Plaintiffs filed a Motion for Appeal Bond on October 11, 2016 (ECF No.  
9 211);

10 WHEREAS, oral argument on both motions is scheduled for December 22, 2016;

11 WHEREAS, Sweeney did not file a response to either motion and the final deadline for  
12 briefing has concluded under Local Rule 7-7(e);

13 WHEREAS, the Ninth Circuit Court of Appeals dismissed Sweeney’s appeal on  
14 November 16, 2016 under Ninth Circuit local rule 42-1 and served a mandate on this Court on the  
15 same date (ECF No. 215), such that Plaintiffs’ Motion for Appeal Bond is now moot;

16 WHEREAS, Plaintiffs and Sweeney have conferred concerning the motion for sanctions,  
17 and agreed that Sweeney will and hereby does waive any further right to appeal, including any  
18 right to move for reconsideration or to petition for a writ of certiorari, in consideration for  
19 Plaintiffs’ withdrawal of the Sanctions Motion, and

20 WHEREAS, Co-Lead Class Counsel have conferred with counsel for defendant Yahoo,  
21 Inc., who have advised that Yahoo does not oppose the relief sought by this stipulation,

22 **NOW, THEREFORE, PLAINTIFFS AND SWEENEY STIPULATE AND**  
23 **RESPECTFULLY REQUEST THAT THE COURT ORDER:**

- 24 1. Plaintiffs’ Motion for Sanctions (ECF No. 209) is withdrawn;
  - 25 2. Plaintiffs’ Motion for Appeal Bond (ECF No. 211) is withdrawn; and
  - 26 3. The December 22, 2016 hearing on the foregoing motions is vacated.
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DATED: Dec. 9, 2016

**GIRARD GIBBS LLP**  
Daniel C. Girard

By: /s/ Daniel C. Girard  
*Co-Lead Class Counsel*

DATED: Dec. 9, 2016

**KAPLAN FOX & KILSHEIMER LLP**  
Laurence D. King

By: /s/ Laurence D. King  
*Co-Lead Class Counsel*

DATED: Dec. 9, 2016

**PATRICK S. SWEENEY**

/s/ Patrick S. Sweeney  
*Pro Se Objector*

**ECF ATTESTATION**

I, Daniel Girard, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND PROPOSED ORDER REGARDING WITHDRAWAL OF MOTION FOR SANCTIONS AND WITHDRAWAL OF MOTION FOR APPEAL BOND.** In compliance with General Order 45, X.B., I hereby attest that all signatories have concurred in this filing.

DATED: Dec. 9, 2016

**GIRARD GIBBS LLP**  
Daniel C. Girard

By: /s/ Daniel C. Girard  
*Co-Lead Class Counsel*

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**~~PROPOSED~~ ORDER**

Good cause appearing herein, the foregoing Stipulation is approved and it is hereby ORDERED that:

1. The hearing scheduled for December 22, 2016 on the Plaintiffs' Motion for Sanctions and Motion for Appeal Bond is VACATED.
2. The Motion for Sanctions (ECF No. 209) is WITHDRAWN.
3. The Motion for Appeal Bond (ECF No. 211) is WITHDRAWN.

The Motion for Sanctions and the Motion for Appeal Bond are therefore denied as moot.

**PURSUANT TO STIPUATION, IT IS SO ORDERED.**

Dated: December 12, 2016

  
\_\_\_\_\_  
THE HONORABLE LUCY H. KOH  
United States District Court Judge