

1 COOLEY LLP
TRAVIS LEBLANC (251097) (tleblanc@cooley.com)
2 KYLE C. WONG (224021) (kwong@cooley.com)
JOSEPH D. MORNIN (307766) (jmornin@cooley.com)
3 101 California Street, 5th floor
San Francisco, CA 94111-5800
4 Telephone: (415) 693-2000
Facsimile: (415) 693-2222

5 DANIEL J. GROOMS (D.C. Bar No. 219124) (admitted *pro hac vice*)
(dgrooms@cooley.com)
6 1299 Pennsylvania Avenue, NW, Suite 700
7 Washington, DC 20004-2400
Telephone: (202) 842-7800
8 Facsimile: (202) 842-7899

9 Attorneys for Plaintiffs
WHATSAAPP INC. and FACEBOOK, INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 WHATSAAPP INC., a Delaware corporation,
and FACEBOOK, INC., a Delaware
15 corporation,

16 Plaintiffs,

17 v.

18 NSO GROUP TECHNOLOGIES LIMITED
19 and Q CYBER TECHNOLOGIES LIMITED,

20 Defendants.

Case No. 3:19-cv-07123

**PLAINTIFFS' ADMINISTRATIVE MOTION
TO RESCHEDULE CASE MANAGEMENT
CONFERENCE UNDER LOCAL RULES 7-11
& 16-2(D)**

Hon. Jacqueline S. Corley

1 Plaintiffs WhatsApp Inc. and Facebook, Inc. now move this Court under Local Rules 7-11
2 and 16-2(d) to reschedule the Case Management Conference currently scheduled for January 30,
3 2020, at 3:00 p.m. to January 27, January 28, or February 13 at 1:30 p.m., or another date at the
4 Court's convenience.

5 Plaintiffs filed this action against Defendants NSO Group Technologies Ltd. and Q Cyber
6 Technologies Ltd., both foreign corporations, on October 29, 2019. Plaintiffs seek injunctive relief
7 and damages for Defendants' unauthorized use of Plaintiffs' servers to send malware to conduct
8 illegal surveillance against a broad array of people, including attorneys, journalists, human rights
9 activists, government officials, and others in April and May 2019. ECF No. 1. When Plaintiffs
10 discovered this misconduct in May 2019, they stopped Defendants' improper access to the
11 WhatsApp's service and computers. *Id.*

12 After filing the Complaint, Plaintiffs promptly sought to serve Defendants under the Hague
13 Convention, which was effected on December 17, 2019.¹ Declaration of Joseph D. Mornin ("Mornin
14 Decl.") ¶ 2. Plaintiffs also contacted Defendants via email, physical mail, and hand service, but have
15 not received any response. *Id.* ¶¶ 3–5. As of the date of this filing, no counsel has entered an
16 appearance in this matter on Defendants' behalf, nor have Defendants filed an answer to the
17 Complaint. Thus, Plaintiffs cannot fulfill their obligations under the Court's initial case management
18 scheduling order (ECF No. 9), including the obligations to meet and confer regarding initial
19 disclosures, early settlement, ADR process selection, and a discovery plan. A short continuance of
20 the case management conference is therefore warranted. In addition, Plaintiffs' counsel Travis
21 LeBlanc and Daniel Grooms have a scheduling conflict on January 30, 2020.

22 For the reasons described above, Plaintiffs have been unable to obtain Defendants' consent to
23 this scheduling change. Mornin Decl. ¶ 7.

24 No previous time modifications have been requested in this case. The requested modification
25 would not have any effect on the schedule in this matter, as the Court has not entered a case schedule

26 _____
27
28 ¹ Plaintiffs are currently awaiting the issuance of a formal certificate of Hague service from the Central Authority.

1 and Defendants have not yet appeared.

2

3 Dated: January 7, 2020

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Respectfully submitted,

COOLEY LLP

/s/ Travis LeBlanc

Travis LeBlanc

Daniel J. Grooms

Kyle C. Wong

Joseph D. Mornin

Attorneys for Plaintiffs

WHATSAPP INC. and FACEBOOK, INC.