$\|$

1	CHRISTOPHER BURKE (214799)				
2	WALTER W. NOSS (277580) KRISTEN M. ANDERSON (246108)				
3	SCOTT+SCOTT LLP 707 Broadway, 10th Floor				
4	San Diego, CA 92101 Tel: 619-233-4565				
5	Fax: 619-233-0508 cburke@scott-scott.com				
6	wnoss@scott-scott.com kanderson@scott-scott.com				
7	Attorneys for Plaintiff				
8	[Additional counsel appear on signature page.]				
9		DISTRICT COURT			
10	UNITED STATES DISTRICT COURT				
11		ICT OF CALIFORNIA			
12	PIPE FITTERS LOCAL UNION NO. 120 PENSION FUND, On Behalf of Itself and All) No. 11-CV-01064-CW			
13	Others Similarly Situated,	 STIPULATED ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE, AND 			
14	Plaintiff,) HEARING DATE			
15	VS.				
16	BARCLAYS CAPITAL INC., THE GOLDMAN SACHS GROUP, INC.,) Judge: The Hon. Claudia Wilken) Courtroom: 2, 4th Floor			
17	KOHLBERG KRAVIS ROBERTS & CO. L.P., VESTAR CAPITAL PARTNERS INC.,				
18	CENTERVIEW PARTNERS LLC, and PETER J. MOSES,				
19	Defendants.				
20	··)			
21	WHEREAS on August 30, 2011, the C	ourt entered an order establishing a deadline for			
22	Plaintiff to file the Second Amended Complaint, a briefing schedule for Defendants' Motion(s)				
23	to Dismiss the Second Amended Complaint, and continuing the mediation deadline (ECF				
24	No. 84);				
25	WHEREAS on September 16, 2011, pursuant to the stipulation of the parties, the Court				
26	entered an order extending the deadlines for Plaintiff to file the Second Amended Complaint,				
27	modifying the briefing schedule for Defendant	tts' Motion(s) to Dismiss the Second Amended			
28	STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND - 1 - HEARING DATE – No. 11-CV-01064-CW				
		Dockets.Justia.com			

1 Complaint and Plaintiffs' Motion for Class Certification, and continuing the mediation deadline 2 (ECF No. 87);

3 WHEREAS the parties now agree to extend the deadline for Plaintiff to file the Second 4 Amended Complaint, modify the briefing schedule for Defendants' Motion(s) to Dismiss the 5 Second Amended Complaint, and continue the mediation deadline;

6

WHEREAS on October 6, 2011, the parties to the In re Del Monte Foods Co. S'holder 7 Litig., Consolidated C.A. No. 6027-VCL (Del. Ch.), filed a Stipulation and Agreement of 8 Compromise and Settlement that seeks to certify a proposed settlement class as a non opt-out 9 class pursuant to Court of Chancery Rules 23(a), 23(b)(1) and 23(b)(2) and purports to release all 10 putative class claims arising out of the acquisition of Del Monte Foods Company on March 8, 2011, including Plaintiff's claims in this action; 11

12 WHEREAS the parties to the Delaware Action seek a final approval hearing on the 13 proposed settlement in the Court of Chancery on December 1, 2011;

14 WHEREAS it is Plaintiff's position that it needs additional time to consider the effect of 15 the proposed settlement of the Delaware Litigation in this action;

16 WHEREAS Defendants reserve the right to move to stay this action in light of the proposed settlement of the Delaware Litigation; 17

18 WHEREAS pursuant to stipulation by the parties, the Court previously modified the 19 briefing schedule on Defendants' Motions to Dismiss the First Amended Complaint (ECF No. 20 75), and the Court previously modified the deadline for Plaintiff to file the Second Amended 21 Complaint, the briefing schedule for Defendants' Motion(s) to Dismiss the Second Amended 22 Complaint, and the briefing schedule for Plaintiffs' Motion for Class Certification (ECF No. 87); 23 WHEREAS pending a ruling from the Court on Defendants' anticipated Motion(s) to

24 Dismiss the Second Amended Complaint, the time modification does not presently impact the 25 remaining schedule set out in the Case Management Order;

IT IS HEREBY STIPULATED THAT: 26

27

28

STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND

HEARING DATE - No. 11-CV-01064-CW

- 2 -

1	1. The deadline for Plaintiff to file the Second Amended Complaint shall now be		
2	December 8, 2011.		
3	2. Defendants' Motion(s) to Dismiss the Second Amended Complaint shall be due		
4	on January 26, 2012; Plaintiff's opposition brief shall be due on February 23, 2012; and		
5	Defendants' reply brief(s) shall be due on March 8, 2012.		
6	3. The hearing date for Defendants' Motion(s) to Dismiss the Second Amended		
7	Complaint shall now be March 22, 2012 at 2 p.m.		
8	4. The mediation deadline shall now be April 30, 2012.		
9	IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.		
10	DATED: October 11, 2011 SCOTT+SCOTT LLP		
11	CHRISTOPHER M. BURKE WALTER W. NOSS		
12	KRISTEN M. ANDERSON 707 Broadway, 10th Floor		
13	San Diego, CA 92101 Telephone: (619) 233-4565		
14	Facsimile: (619) 233-0508 Email: cburke@scott-scott.com		
15	wnoss@scott-scott.com kanderson@scott-scott.com		
16	By <u>/s/ Christopher M. Burke</u>		
17	Christopher M. Burke		
18	ROBINS, KAPLAN, MILLER & CIRESI L.L.P.		
19			
20	STACEY P. SLAUGHTER (<i>pro hac vice</i>) 2800 LaSalle Plaza 800 LaSalle Avenue South		
21	Minneapolis, MN 55402-2015		
22	Telephone: 612-349-8500 Facsimile: 612-339-4181 Email: kcwildfang@rkmc.com		
23	tjundlin@rkmc.com spslaughter@rkmc.com		
24	spstaughter@rkmc.com		
25			
26			
27			
28	STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND - 3 - HEARING DATE – No. 11-CV-01064-CW		

1		THE MOGIN LAW FIRM, P.C.
		DANIEL J. MOGIN MATTHEW T. SINNOTT
2		707 Broadway, 10th Floor San Diego, CA 92101
3		Telephone: 619-687-6611 Facsimile: 619-687-6610
4		Email: dmogin@moginlaw.com
5		msinnott@moginlaw.com
6		Attorneys for Plaintiff Pipefitters Local Union No. 120 Pension Fund
7	DATED: October 11, 2011	SULLIVAN & CROMWELL LLP
8		BRENDAN P. CULLEN 1870 Embarcadero Road
9		Palo Alto, CA 94303-3308
9		Telephone: (650) 461-5600 Facsimile: (650) 461-5700
10		Email: cullenb@sullcrom.com
11		By <u>/s/ Brendan P. Cullen</u>
12		Brendan P. Cullen
13		Attorneys for Defendants Barclays Capital Inc. and Peter J. Moses
14	DATED: October 11, 2011	LATHAM & WATKINS LLP
15		BRIAN BERRY (Bar No. 229893) 505 Montgomery Street Suite 2000
		505 Montgomery Street, Suite 2000 San Francisco, CA 94111-6538
16		Telephone: (415) 391-0600
17		Facsimile: (415) 395-8095 Email: brian.berry@lw.com
18		By _/s/ Brian Berry
19		Brian Berry
20		WILLIAM R. SHERMAN (admitted <i>pro hac vice</i>) 555 Eleventh Street, NW
21		Washington, D.C. 20004-1304
		Telephone: (202) 637-2200 Facsimile: (202) 637-2201
22		Email: william.sherman@lw.com
23		By <u>/s/ William R. Sherman</u> William R. Sherman
24		
25		Attorneys for Defendant The Goldman Sachs Group, Inc.
26		
27		
28	STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND - 4 HEARING DATE – No. 11-CV-01064-CW	

1	DATED: October 11, 2011 SIMPSON THACHER & BARTLETT LLP			
2	HARRISON J. FRAHN 2550 Hanover Street			
3	Palo Alto, CA 94304 Telephone: (650) 251-5065			
4	Facsimile: (650) 251-5002 Email: hfrahn@stblaw.com			
5	By _/s/ Harrison J. Frahn			
6	Harrison J. Frahn			
7	SIMPSON THACHER & BARTLETT LLP JOSEPH F. TRINGALI (<i>pro hac vice</i>)			
8	PAUL C. GLUCKOW(<i>pro hac vice</i>) 425 Lexington Avenue			
9	New York, NY 10017 Telephone: (212) 455-2000			
10	Facsimile: (212) 455-2502			
11	Email: jtringali@stblaw.com pgluckow@stblaw.com			
	By <u>/s/ Joseph F. Tringali</u>			
12	Joseph F. Tringali			
13	Attorneys for Defendants Kohlberg Kravis Roberts & Co., L.P. and Centerview Partners LLC			
14	DATED: October 11, 2011			
15	KIRKLAND & ELLIS LLP JAMES F. BASILE			
16	MARK E. MCKANE 555 California Street			
17	San Francisco, CA 94104 Telephone: (415) 439-1400			
18	Facsimile: (415) 439-1500			
19	Email: james.basile@kirkland.com mark.mckane@kirkland.com			
20	By <u>/s/ James F. Basile</u>			
21	James F. Basile			
22	Attorneys for Defendant Vestar Capital Partners Inc.			
23				
24	PURSUANT TO STIPULATION, IT IS SO ORDERED.			
25	DATED: 10/12/2011			
26	The Hon. Claudia Wilken United States District Judge			
27				
28	STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND - 5 -			
	HEARING DATE – No. 11-CV-01064-CW			

1	ATTESTATION PURSUANT	TTO GENERAL ORDER 45	
2	I, Christopher M. Burke, attest that concurrence in the filing of this document has been		
3	obtained from the signatories. I declare under penalty of perjury under the laws of the United		
4	States of America that the foregoing is true and correct. Executed this 11th day of October, 2011		
5	at San Diego, California.		
6	DATED: October 11, 2011 SCC	DTT+SCOTT LLP	
7		Christopher M. Durke	
8	Chri	Christopher M. Burke stopher M. Burke Broadway, 10th Floor	
9	San	Diego, CA 92101 phone: (619) 233-4565	
10	Face	simile: (619) 233-0508 ail: cburke@scott-scott.com	
11	An A	Attorney for Plaintiff Pipefitters Local	
12	Unio	on No. 120 Pension Fund	
13			
14			
15			
16 17			
18			
10			
20			
21			
22			
23			
24			
25			
26			
27			
28	STIPULATED [PROPOSED] ORDER EXTENDING DEA HEARING DATES – No. 11-CV-01064-CW	ADLINES, BRIEFING SCHEDULES AND - 6 -	

1	CERTIFICATE OF SERVICE	
2	I hereby certify that on October 11, 2011, I caused the foregoing to be electronically filed	
3	with the Clerk of the Court using the CM/ECF system which will send notification of such filing	
4	to the e-mail addresses denoted on the Electronic Mail Notice List, and I hereby certify that I	
5	caused the foregoing document or paper to be mailed via the United States Postal Service to the	
6	non-CM/ECF participants indicated on the Manual Notice List.	
7	I certify under penalty of perjury under the laws of the United States of America that the	
8	foregoing is true and correct. Executed on October 11, 2011.	
9		
10	/s/ Christopher M. Burke CHRISTOPHER M. BURKE	
11	SCOTT+SCOTT LLP	
12	707 Broadway, 10th Floor San Diego, CA 92101	
13	Telephone: 619-233-4565 Fax: 619-233-0508	
14	E-mail: cburke@scott-scott.com	
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	STIPULATED [PROPOSED] ORDER EXTENDING DEADLINES, BRIEFING SCHEDULES AND - 7 - HEARING DATES – No. 11-CV-01064-CW	