

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**STEVEN HARBEN, Derivatively on Behalf
of Nominal Defendant DILLARD'S INC.**

PLAINTIFF

v.

CASE NO. 4:09cv395 BSM

**WILLIAM DILLARD II, JAMES I.
FREEMAN, ALEX DILLARD, MIKE
DILLARD, DRUE MATHENY, JAMES
A. HASLAM III, PETER R. JOHNSON,
ROBERT C. CONNOR, R. BRAD
MARTIN, FRANK R. MORI, WARREN
A. STEPHENS, and NICK WHITE**

DEFENDANTS

DILLARD'S INC.

NOMINAL DEFENDANT

**STIPULATION TO AMEND BRIEFING SCHEDULE ON DEFENDANTS'
MOTION TO STAY THESE PROCEEDINGS IN FAVOR OF PARALLEL STATE
COURT ACTION OR, IN THE ALTERNATIVE, DISMISS THE COMPLAINT**

WHEREAS, on June 18, 2009, the parties submitted a joint motion to the court requesting an extension of defendants' time to respond to plaintiff's verified shareholder derivative complaint ("complaint") filed in the above-captioned action on May 27, 2009;

WHEREAS, on June 19, 2009, the court granted the parties' joint motion, requiring defendants to answer or otherwise respond to the complaint by August 18, 2009;

WHEREAS, on June 23, 2009, the court entered an initial scheduling order, requiring the parties to: (i) hold a Rule 26(f) conference by August 26, 2009; and (ii) submit Rule 26(f) reports to the court by September 9, 2009;

WHEREAS, on August 18, 2009, defendants filed their motion to stay these proceedings in favor of parallel state court action or, in the alternative, dismiss the complaint (“motion”);

WHEREAS, on August 21, 2009, the parties held their Rule 26(f) conference;

WHEREAS, during the parties’ Rule 26(f) conference the parties agreed to a briefing schedule on the motion;

WHEREAS, on August 31, 2009, the parties submitted to the court a stipulation and proposed order to set a briefing schedule for the motion;

WHEREAS, on September 10, 2009, the court granted the stipulated to briefing schedule on the motion, which provided for plaintiff to file his opposition to the motion on October 2, 2009 and defendants to file their reply, if any, to plaintiff’s opposition on October 19, 2009;

WHEREAS, the parties have met and conferred, and agreed to modify the briefing schedule as set forth below; and

WHEREAS, the agreed-upon briefing schedule is not for the purpose of delay and will not prejudice any party.

NOW, THEREFORE, the undersigned parties hereby STIPULATE AND AGREE, subject to the court’s approval, as follows:

1. Plaintiff shall file his opposition to the motion on October 9, 2009.
2. Defendants shall file their reply, if any, to plaintiff’s opposition on October 26, 2009.

Dated: October 1, 2009

McMATH WOODS P.A.

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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED this 5th day of
October, 2009.



UNITED STATES DISTRICT JUDGE