

1 KEVIN P. MUCK (CSB No. 120918)
2 CATHERINE KEVANE (CSB No. 215501)
3 FENWICK & WEST LLP
4 555 California Street, 12th Floor
5 San Francisco, California 94104
6 Telephone: (415) 875-2300
7 Facsimile: (415) 281-1350
8 E-mail: kmuck@fenwick.com
9 ckevane@fenwick.com

10 Attorneys for Defendant
11 Orrick, Herrington & Sutcliffe LLP

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 WILLIAM GEORGE, on behalf of himself and
16 all other persons similarly situated,

17 Plaintiff,

18 vs.

19 CALIFORNIA INFRASTRUCTURE AND
20 ECONOMIC DEVELOPMENT BANK, a public
21 instrumentality of the State of California and
22 ORRICK, HERRINGTON & SUTCLIFFE, LLP,
23 an entity,

24 Defendants.

Case No.: 2:09-CV-01610-GEB-DAD

**STIPULATION AND ORDER REGARDING
FILING OF FIRST AMENDED
CONSOLIDATED COMPLAINT AND
RESPONSE THERETO**

25 WHEREAS:

26 1. This case, an alleged class action asserting claims under Section 10(b) of the
27 Securities Exchange Act of 1934 filed on June 10, 2009 [Docket No. 1], is subject to the
28 requirements of the Private Securities Litigation Reform Act of 1995 (“PSLRA”);

29 2. On August 4, 2009, the Court signed a stipulation and order [Docket No. 26] pursuant
30 to which: (a) within forty-five (45) days from the date that the Court appointed a lead plaintiff

1 plaintiff in this action pursuant to 15 U.S.C. § 78u-4(3)(B), such lead plaintiff was permitted to file a
2 further amended complaint; and (b) within forty-five (45) days from the filing of such further
3 amended complaint, defendants were to move, answer or otherwise respond to the Operative
4 Complaint;

5 3. On September 15, 2009, the Court granted the motion of William George (“Lead
6 Plaintiff”) to be appointed lead plaintiff [Docket No. 39], and on October 20, 2009 Lead Plaintiff
7 filed a Consolidated Complaint for Violation of Section 10(b) of the Securities Exchange Act of 1934
8 and of Rule 10b-5 Promulgated Thereunder (“Consolidated Complaint”) against Defendants
9 California Infrastructure and Economic Development Bank (“I-Bank”) and Orrick, Herrington &
10 Sutcliffe, LLP (“Orrick”) (collectively “Defendants”) [Docket No. 40];

11 4. On December 4, 2009, Defendants jointly filed a motion to dismiss the Consolidated
12 Complaint [Docket No. 47], and pursuant to agreement of the parties that motion was set for hearing
13 on February 8, 2010;

14 5. Rather than oppose Defendants’ motion to dismiss, Lead Plaintiff has prepared and
15 submitted to the Court on December 28, 2009 a First Amended Consolidated Complaint for Violation
16 of Section 10(b) of the Securities Exchange Act of 1934 and of Rule 10b-5(a), (b) and (c)
17 Promulgated Thereunder (“First Amended Consolidated Complaint”) [Docket No. 52]; and

18 6. Defendants do not oppose the filing of the First Amended Consolidated Complaint,
19 provided that they have sufficient time to move to dismiss or otherwise respond to that new pleading,
20 and the parties have agreed to confer on a mutually convenient briefing and hearing schedule for
21 Defendants’ anticipated motion to dismiss the First Amended Consolidated Complaint.

22 THEREFORE, IT IS HEREBY STIPULATED, by and among the undersigned counsel for
23 the parties, that:

24 1. Lead Plaintiff should be permitted to file his First Amended Consolidated Complaint,
25 which shall supersede all prior pleadings in this action;

26 2. Defendants’ motion to dismiss the Consolidated Complaint, previously set for hearing
27 on February 8, 2010, shall be taken off calendar; and
28

1 3. Defendants will move or otherwise respond to the First Amended Consolidated
2 Complaint on or before February 5, 2010.

3
4 DATED: January 5, 2010

MCGRANE GREENFIELD LLP

5
6 By: /s/ Christopher D. Sullivan
Christopher D. Sullivan
7 Attorneys for Plaintiff

8
9 DATED: January 5, 2010

FENWICK & WEST LLP

10 By: /s/ Kevin P. Muck
11 Kevin P. Muck
12 Attorneys for Defendant
ORRICK, HERRINGTON & SUTCLIFFE, LLP

13 DATED: January 5, 2010

ATTORNEY GENERAL OF CALIFORNIA

14
15 By: /s/ Jeffrey A. Rich
16 Jeffrey A. Rich
Deputy Attorney General
17 Attorneys for Defendant
18 CALIFORNIA INFRASTRUCTURE AND
ECONOMIC DEVELOPMENT BANK

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22 I certify that a true copy of the foregoing was served electronically via the CM/ECF system
on all counsel of record on this 5 day of January, 2010.

23
24 /s/ Kevin P. Muck

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:


1. Lead Plaintiff's First Amended Consolidated Complaint, submitted to the Court on December 28, 2009 [Docket No. 52], is hereby deemed filed and shall supersede all prior pleadings in this action;

2. Defendants' motion to dismiss the Consolidated Complaint, filed on December 4, 2009 and previously set for hearing on February 8, 2010, shall be taken off calendar; and

3. Defendants will move or otherwise respond to the First Amended Consolidated Complaint on or before February 5, 2010.

IT IS SO ORDERED.

Dated: January 5, 2010



GARLAND E. BURRELL, JR.
United States District Judge