

1 MAYER BROWN LLP
 JOHN NADOLENCO (SBN 181128)
 2 *jnadolenco@mayerbrown.com*
 ANDREW Z. EDELSTEIN (SBN 218023)
 3 *aedelstein@mayerbrown.com*
 JEFF R. R. NELSON (SBN 301546)
 4 *jnelson@mayerbrown.com*
 350 South Grand Avenue, 25th Floor
 5 Los Angeles, CA 90071-1503
 Telephone: (213) 229-9500
 6 Facsimile: (213) 625-0248

7 Attorneys for Defendant
 International City Management Association Retirement
 8 Corporation

9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

12 CHRIS ANDREW and RICHARD
 MAYBERRY, suing individually and by and on
 13 behalf of all others similarly situated,

14 Plaintiffs,

15 v.

16 CITY OF SACRAMENTO; NATIONWIDE
 INVESTMENT SERVICES CORPORATION,
 17 an Ohio Corporation; INTERNATIONAL
 CITY/COUNTY MANAGERS
 18 ASSOCIATION-RETIREMENT
 CORPORATION, a District of Columbia
 19 Company;

20 Defendants.

Case No. 2:17-cv-02266-JAM-KJN

**STIPULATION EXTENDING TIME TO
 RESPOND TO THE COMPLAINT**

Judge: John A. Mendez

Complaint Filed: October 27, 2017

1 Pursuant to Local Rule 144, Plaintiffs Chris Andrew and Richard Mayberry (“Plaintiffs”)
2 and Defendant International City Management Association Retirement Corporation (“ICMA-
3 RC”), hereby stipulate, subject to Court approval, as follows:

4 WHEREAS, Plaintiffs served a summons and complaint on ICMA-RC on November 1,
5 2017;

6 WHEREAS, pursuant to stipulation, ICMA-RC’s responsive pleading or motion would
7 be due on or by December 20, 2017;

8 WHEREAS, a further extension is appropriate to allow sufficient time for ICMA-RC to
9 gather additional information, and prepare its response, given the holiday season;

10 WHEREAS, the Court has granted Nationwide Investment Services Corporation’s
11 request to extend the time to answer to January 5, 2018 (*see* ECF No. 9);

12 WHEREAS, ICMA-RC desires to remain on the same pleading track as the other non-
13 municipal defendant,

14 WHEREAS, Plaintiffs have agreed to extend the time by which ICMA-RC can answer or
15 otherwise respond to the complaint to January 5, 2018; and

16 WHEREAS, only one prior extension has been obtained by ICMA-RC, and this further
17 extension would not affect any court-ordered deadlines.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
19 counsel for ICMA-RC and counsel for Plaintiffs, that:

20 1. ICMA-RC shall have up to and including January 5, 2018 to answer, move, plead
21 or otherwise respond to the complaint.

22 2. This Stipulation is not a waiver of any objection or defense that ICMA-RC or any
23 other party to this action might raise in any subsequent answer, motion, pleading or response to
24 the complaint.

25 3. This Stipulation is made without prejudice to the right of any or all parties to seek
26 a further extension of these or any other deadlines for good cause shown.

27 ///

28 ///

1 Pursuant to Local Rule 131, I, Jeff R. R. Nelson, attest that all other signatories listed,
2 and on whose behalf this filing is submitted, approve the filing's content and have authorized the
3 submission of this document on their behalf.

4 Dated: December 18, 2017

MAYER BROWN LLP
JOHN NADOLENCO
ANDREW Z. EDELSTEIN
JEFF R. R. NELSON

5
6
7 By: /s/ Jeff R. R. Nelson
Jeff R. R. Nelson
8 Attorneys for Defendant
ICMA-RC

9 Dated: December 18, 2017

10 MASTAGNI HOLSTEDT
DAVID P. MASTAGNI
JEFFREY R. A. EDWARDS

11 By: /s/ Jeffrey R. A. Edwards
12 Jeffrey R. A. Edwards
13 Attorney for Plaintiffs
Chris Andrew and Richard Mayberry

14
15 **IT IS SO ORDERED.** ICMA-RC's deadline to respond to the Complaint shall be January 5,
16 2018.

17 Dated: December 18, 2017

/s/ John A. Mendez
18 U. S. District Court Judge