

1 RANDALL W. EDWARDS (C.S.B. #179053)
redwards@omm.com
2 SUSANNAH K. HOWARD (C.S.B #291326)
showard@omm.com
3 O'MELVENY & MYERS LLP
4 Two Embarcadero Center
28th Floor
5 San Francisco, California 94111-3823
Telephone: +1 415 984 8700
6 Facsimile: +1 415 984 8701

7 Attorneys for Defendant
NATIONWIDE INVESTMENT SERVICES
8 CORPORATION

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

11
12 CHRIS ANDREW and RICHARD
MAYBERRY, suing individually and by and
13 on 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 TO EXTEND TIME
FOR DEFENDANTS TO RESPOND TO
COMPLAINT (THIRD REQUEST)**

21
22
23
24
25
26
27
28

STIP. TO EXTEND DEFENDANTS TIME
TO RESPOND TO COMPL.
2:17-CV-02266-JAM-KJN

1 Pursuant to Civil Local Rule 144(a), Plaintiffs Chris Andrew and Richard Mayberry
2 (“Plaintiffs”) and Defendants City of Sacramento (the “City”), Nationwide Investment Services
3 Corporation (“Nationwide”), and International City/County Managers Association-Retirement
4 Corporation (“ICMA”) (collectively, “Defendants”) hereby stipulate and agree, subject to Court
5 approval, to extend the time for Defendants to respond to the Complaint by 45 days, such that
6 Defendants new response date would be April 5, 2018. On December 20, 2017, the parties
7 submitted a stipulation requesting an extension for Defendants to respond to the Complaint until
8 February 19, 2018 in order to focus in settlement discussions. (Doc. No. 14) This extension
9 request was granted by the Court on December 22, 2017 (Doc. No. 15). The parties’ settlement
10 discussions are on-going, and further postponing the deadline for Defendants to respond to the
11 Complaint would allow the parties to continue to focus their efforts on these discussions, rather
12 than on drafting responsive pleadings or motions.

13 This is the third time each Defendant has requested Court approval for an extension of
14 time to respond to the Complaint. In addition to the December 20, 2017 request referred to
15 above, each Defendant previously filed a stipulated request for an extension to respond to the
16 Complaint until January 5, 2018, all of which were subsequently granted by the Court. *See* Doc.
17 Nos. 9, 12 & 13. These prior stipulations extended Nationwide’s and the City’s time to respond
18 to the Complaint by 45 days (Doc. Nos. 9 & 12), and extended ICMA’s time to respond to the
19 Complaint by 16 days (Doc. No. 13). This request would not affect any other court-ordered
20 deadline.

21 [signature page follows]
22
23
24
25
26
27
28

1
2
3
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

Dated: February 12, 2018

Respectfully submitted,
O'MELVENY & MYERS LLP

By: /s/ Randall W. Edwards
Randall W. Edwards
Attorneys for Defendant
NATIONWIDE INVESTMENT SERVICES
CORPORATION

Dated: February 12, 2018

Respectfully submitted,
MASTAGNI HOLSTEDT

By: /s/ Jeffrey R. A. Edwards
(as authorized on February 12, 2018)
Jeffrey R. A. Edwards
Attorneys for Plaintiffs
CHRIS ANDREW and RICHARD
MAYBERRY

Dated: February 12, 2018

Respectfully submitted,
BUCHALTER

By: /s/ Kevin T. Collins
Kevin T. Collins
(as authorized on February 12, 2018)
Attorneys for Defendant
CITY OF SACRAMENTO

Dated: February 12, 2018

Respectfully submitted,
MAYER BROWN, LLP

By: /s/ Andrew Z. Edelstein
Andrew Z. Edelstein
(as authorized on February 12, 2018)
Attorneys for Defendant
INTERNATIONAL CITY/COUNTY
MANAGERS ASSOCIATION-RETIREMENT
CORPORATION

1
2
3
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

IT IS SO ORDERED. Defendants’ deadline to respond to the Complaint shall be April 5, 2018.

DATED: February 12, 2018

/s/ John A. Mendez
Hon. John A. Mendez
United States District Court Judge