

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

ALEXANDER K. MIRCHEFF, SBN 245074  
amircheff@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520

MERYL L. YOUNG, SBN 110156  
myoung@gibsondunn.com  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Drive  
Irvine, CA 92612-4412  
Telephone: 949.451.3800  
Facsimile: 949.451.4220

*Attorneys for Defendants*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION

IN RE EDWARD D. JONES & CO., L.P.  
SECURITIES LITIGATION

CASE NO. 2:18-cv-00714-JAM-AC

**STIPULATION AND ORDER REGARDING  
BRIEFING SCHEDULE FOR OPPOSITION  
TO AND REPLY IN SUPPORT OF  
RENEWED MOTION OF DEFENDANTS TO  
DISMISS PLAINTIFFS' SECOND  
AMENDED COMPLAINT**

**Hearing:**

Date: April 5, 2022  
Time: 1:30 p.m.  
Place: Courtroom 6, 14th Floor  
501 I Street  
Sacramento, CA 95814

Judge: Hon. John A. Mendez

1 WHEREAS, Plaintiffs filed their Second Amended Complaint (Dkt. 47) on July 27, 2019;

2 WHEREAS, Defendants filed their Motion to Dismiss Plaintiffs' Second Amended Complaint  
3 on August 19, 2019 (Dkt. 48) under Rules 12(b)(6), 9(b), and 12(b)(1) of the Federal Rules of Civil  
4 Procedure;

5 WHEREAS, the Court granted Defendants' Motion to Dismiss Plaintiffs' Second Amended  
6 Complaint on November 12, 2019 (Dkt. 60), under Rules 12(b)(6) and 9(b) as to Plaintiffs' federal  
7 claims, and under Rule 12(b)(1) as to the state-law claims;

8 WHEREAS, Plaintiffs appealed the Rule 12(b)(1) dismissal of their fiduciary duty claims, and  
9 the Ninth Circuit reversed (Dkt. 65);

10 WHEREAS, Defendants filed a petition for writ of certiorari in the Supreme Court and, on  
11 January 18, 2022, the Supreme Court denied Defendants' certiorari petition;

12 WHEREAS, Defendants have now filed a Renewed Motion To Dismiss Plaintiffs' Second  
13 Amended Complaint, in particular the remaining fiduciary duty claims, pursuant to Rules 9(b) and  
14 12(b)(6) of the Federal Rules of Civil Procedure;

15 WHEREAS, the parties have met and conferred and agreed upon a proposed briefing schedule;

16 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to Court  
17 approval, as follows:

- 18 1. Plaintiffs' opposition shall be filed by February 28, 2022;
- 19 2. Defendants' reply shall be filed on March 21, 2022; and
- 20 3. The parties expressly reserve all other rights of any kind.

1 Dated: February 1, 2022

2 /s/ Paul R. Wood (as authorized on 2/1/2022)

3 Paul R. Wood  
4 FRANKLIN D. AZAR & ASSOCIATES, P.C.  
5 14426 East Evans Avenue  
6 Aurora, CO 80014  
7 Telephone: (303) 757-3300  
8 Facsimile: (303) 759-5203  
9 woodp@fdazar.com

7 John Garner  
8 GARNER & ASSOCIATES LLP  
9 109 North Marshall Avenue  
10 P.O. Box 908  
11 Willows, CA 95988  
12 Telephone: (530) 934-3324  
13 Facsimile: (530) 934-2334  
14 john@garner-associates.com

15 *Counsel for Plaintiffs*

16 **IT IS SO ORDERED**

17 Dated: February 2, 2022

/s/ Alexander K. Mircheff

GIBSON, DUNN & CRUTCHER LLP  
Alexander K. Mircheff  
333 South Grand Avenue  
Los Angeles, CA 90071-3197  
Telephone: 213.229.7000  
Facsimile: 213.229.7520  
amircheff@gibsondunn.com

GIBSON, DUNN & CRUTCHER LLP  
Meryl L. Young  
3161 Michelson Drive  
Irvine, CA 92612-4412  
Telephone: (949) 451-3800  
Facsimile: (949) 451-4220  
myoung@gibsondunn.com

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE