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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

18 BEVERLY KANAWI AND SALVADOR
 19 AQUINO,

20 Plaintiffs,

21 vs.

22 BECHTEL CORPORATION, THE
 23 BECHTEL TRUST & THRIFT PLAN
 COMMITTEE, PEGGI KNOX AND
 24 FREMONT INVESTMENT ADVISORS,

25 Defendants.

Case No. C 06-5566 CRB-EDL

**STIPULATION, REQUEST, AND
~~PROPOSED~~ ORDER TO CONTINUE
 HEARING, SUBJECT TO RE-NOTICE, OF
 MOTION TO INTERVENE AND MODIFY
 PROTECTIVE ORDER**

Hearing Date: June 12, 2009
 Time: 10:00 a.m.
 Courtroom: Hon. Charles R. Breyer

1 The parties hereto agree and act as follows.

2 1. The United States Department of Labor (hereinafter "DOL") filed a Motion to
3 Intervene and Modify Protective Order (hereinafter "Motion") noticed for hearing on June 12,
4 2009.

5 2. The DOL and Defendants Fremont Investment Advisors, Inc. (hereinafter "FIA")
6 and the Bechtel Corporation, the Bechtel Trust & Thrift Plan Committee, and Peggi Knox
7 (collectively hereinafter "Bechtel Defendants") have been diligently discussing a negotiated
8 resolution of the Motion, have made substantial progress, but need more time to complete their
9 negotiations.

10 3. The further briefing on the Motion is presently due on Friday, May 22, 2009
11 (opposition) and Friday, May 29, 2009 (reply).

12 4. The DOL, FIA, and the Bechtel Defendants believe that continuing the June 12,
13 2009 hearing on the Motion will give them the realistic prospect of resolving the Motion without
14 the necessity of further briefing, or taking up the Court's time.

15 THEREFORE, in accord with Local Rules 6-1 and 7-7,

16 1. DOL, as the moving party, hereby gives notice in advance of the filing of opposi-
17 tion papers that its pending Motion is taken off calendar subject to being re-noticed by DOL as
18 necessary at a future time.

19 2. The parties hereto agree that this Court retains jurisdiction to entertain the DOL's
20 Motion even if a Notice of Appeal is hereafter filed from the judgment entered in this case.

21 3. DOL, FIA, and the Bechtel Defendants stipulate and agree that they will
22 cooperate, and take those actions that may be necessary in the future, to assure that this Court has
23 jurisdiction to decide DOL's Motion, should it become necessary for the DOL to renotice that
24 Motion.

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Dated: May 21, 2009

ELIZABETH HOPKINS
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By /s/ Elizabeth Hopkins
Elizabeth Hopkins
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Secretary of Labor

Dated: May 21, 2009

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By /s/ Grace Carter
Grace Carter
Attorneys for Defendant FIA

Dated: May 21, 2009

MORGAN, LEWIS & BOCKIUS LLP

By /s/ D. Ward Kallstrom
D. Ward Kallstrom
Attorneys for Bechtel Defendants

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IT IS SO ORDERED

May 26, 2009

