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11 Attorneys for Defendants  
 Thomas Casey, Ronald Cathcart,  
 12 Stephen Rotella and David Schneider

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION  
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18 LOU SOLTON, MONTEREY COUNTY  
 TREASURER, ON BEHALF OF THE  
 19 MONTEREY COUNTY INVESTMENT POOL,

Case No. C-09-1481-JSW

20 Plaintiff,

21 v.

22 KERRY KILLINGER, THOMAS CASEY,  
 STEPHEN ROTELLA, RONALD CATHCART,  
 23 DAVID SCHNEIDER, STEPHEN FRANK,  
 THOMAS LEPPERT, PHILLIP MATTHEWS,  
 24 MICHAEL MURPHY, WILLIAM REED, JR.,  
 ORIN SMITH, DELOITTE & TOUCHE LLP,  
 25 AND DOES 1 through 20,

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING TIME FOR  
 PLAINTIFF'S MOTION TO REMAND  
 AND DEFENDANTS' ANSWER OR  
 OTHER RESPONSE TO THE  
 COMPLAINT**

26 Defendants.  
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1 WHEREAS on or about March 6, 2009, Lou Solton, Monterey County Treasurer,  
2 on behalf of the Monterey County Investment Pool commenced this action in the Superior Court  
3 of the State of California, County of San Francisco; and

4 WHEREAS on April 3, 2009, defendants Thomas Casey, Stephen Rotella, Ronald  
5 Cathcart, and David Schneider timely filed a Notice of Removal in this Court, with the consent  
6 and joinder of defendants Kerry Killinger, Stephen Frank, Thomas Leppert, Phillip Matthews,  
7 Michael Murphy, William Reed, Jr., Orin Smith, and Deloitte & Touche LLP; and

8 WHEREAS cases that defendants contend share common questions of fact with  
9 this case have previously been transferred by the Judicial Panel on Multidistrict Litigation (the  
10 “MDL Panel”) to the Honorable Marsha J. Pechman of the United States District Court for the  
11 Western District of Washington pursuant to 28 U.S.C. § 1407; and

12 WHEREAS on April 6, 2009, certain defendants filed a “tag-along” notice with the  
13 MDL Panel to inform the MDL Panel that this action is related to other actions previously  
14 transferred by the MDL Panel to the Western District of Washington; and

15 WHEREAS plaintiff intends to file a motion to remand in this action, and the  
16 parties agree that defendants’ answers or other responses to the complaint should follow the  
17 decision on plaintiff’s forthcoming motion to remand;

18 NOW, THEREFORE, the undersigned parties hereby stipulate that:

19 1. Plaintiff’s time within which to file a motion to remand shall be extended  
20 until such time as ordered by Judge Pechman in the Western District of Washington following  
21 transfer of this action by the MDL Panel, although plaintiff reserves the right to file such remand  
22 motion in the Northern District of California prior to a transfer order by the MDL Panel, without  
23 prejudice to defendants’ right to argue that the Northern District of California court should defer  
24 ruling on the motion to remand until after the MDL Panel’s ruling; and

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2. Defendants' time within which to answer or otherwise respond to the Complaint is extended to 45 days from the issuance of an order deciding plaintiff's remand motion or such time as otherwise ordered.

Dated: April 8, 2009

  
\_\_\_\_\_  
MARK C. MOLUMPHY  
COTCHETT, PITRE & McCARTHY RP

Attorneys for Plaintiff  
LOU SOLTON, MONTEREY COUNTY  
TREASURER, ON BEHALF OF THE  
MONTEREY COUNTY INVESTMENT POOL

Dated: April 8, 2009

  
\_\_\_\_\_  
ROBERT J. PFISTER  
SIMPSON THACHER & BARTLETT LLP

Attorneys for Defendants  
THOMAS CASEY, STEPHEN ROTELLA,  
RONALD CATHCART, DAVID SCHNEIDER

Dated: April 8, 2009

\_\_\_\_\_  
BARRY M. KAPLAN  
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant  
KERRY KILLINGER

Dated: April 8, 2009

\_\_\_\_\_  
RONALD L. BERENSTAIN  
PERKINS COIE LLP

Attorneys for Defendants  
STEPHEN FRANK, THOMAS LEPPERT,  
PHILLIP MATTHEWS, MICHAEL MURPHY,  
WILIAM REED, JR., ORIN SMITH

Dated: April 8, 2009

\_\_\_\_\_  
JAMES J. FARRELL  
LATHAM & WATKINS LLP

Attorneys for Defendant  
DELOITTE & TOUCHE LLP

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2. Defendants' time within which to answer or otherwise respond to the Complaint is extended to 45 days from the issuance of an order deciding plaintiff's remand motion or such time as otherwise ordered.

Dated: April 8, 2009

---

MARK C. MOLUMPY  
COTCHETT, PITRE & McCARTHY

Attorneys for Plaintiff  
LOU SOLTON, MONTEREY COUNTY  
TREASURER, ON BEHALF OF THE  
MONTEREY COUNTY INVESTMENT POOL


Dated: April 8, 2009

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ROBERT J. PFISTER  
SIMPSON THACHER & BARTLETT LLP

Attorneys for Defendants  
THOMAS CASEY, STEPHEN ROTELLA,  
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Dated: April 8, 2009



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BARRY M. KAPLAN  
WILSON SONSINI GOODRICH & ROSATI

Attorneys for Defendant  
KERRY KILLINGER

Dated: April 8, 2009

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Attorneys for Defendants  
STEPHEN FRANK, THOMAS LEPPERT,  
PHILLIP MATTHEWS, MICHAEL MURPHY,  
WILIAM REED, JR., ORIN SMITH

Dated: April 8, 2009

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JAMES J. FARRELL  
LATHAM & WATKINS LLP

Attorneys for Defendant  
DELOITTE & TOUCHE LLP

1                   2.       Defendants' time within which to answer or otherwise respond to the  
2 Complaint is extended to 45 days from the issuance of an order deciding plaintiff's remand motion  
3 or such time as otherwise ordered.

4  
5 Dated: April 8, 2009

6 MARK C. MOLUMPY  
COTCHETT, PITRE & McCARTHY

7 Attorneys for Plaintiff  
8 LOU SOLTON, MONTEREY COUNTY  
9 TREASURER, ON BEHALF OF THE  
MONTEREY COUNTY INVESTMENT POOL

10 Dated: April 8, 2009

11 ROBERT J. PFISTER  
SIMPSON THACHER & BARTLETT LLP

12 Attorneys for Defendants  
13 THOMAS CASEY, STEPHEN ROTELLA,  
14 RONALD CATHCART, DAVID SCHNEIDER

15 Dated: April 8, 2009

16 BARRY M. KAPLAN  
WILSON SONSINI GOODRICH & ROSATI

17 Attorneys for Defendant  
18 KERRY KILLINGER

19 Dated: April 8, 2009

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RONALD L. BERENSTAIN  
PERKINS COIE LLP

21 Attorneys for Defendants  
22 STEPHEN FRANK, THOMAS LEPPERT,  
23 PHILLIP MATTHEWS, MICHAEL MURPHY,  
24 WILIAM REED, JR., ORIN SMITH

25 Dated: April 8, 2009

26 JAMES J. FARRELL  
LATHAM & WATKINS LLP

27 Attorneys for Defendant  
28 DELOITTE & TOUCHE LLP

1                   2.       Defendants' time within which to answer or otherwise respond to the  
2 Complaint is extended to 45 days from the issuance of an order deciding plaintiff's remand motion  
3 or such time as otherwise ordered.  
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5 Dated: April 8, 2009

6 

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MARK C. MOLUMPY  
COTCHETT, PITRE & McCARTHY

7 Attorneys for Plaintiff  
8 LOU SOLTON, MONTEREY COUNTY  
9 TREASURER, ON BEHALF OF THE  
MONTEREY COUNTY INVESTMENT POOL

10 Dated: April 8, 2009

11 

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13 THOMAS CASEY, STEPHEN ROTELLA,  
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15 Dated: April 8, 2009

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BARRY M. KAPLAN  
WILSON SONSINI GOODRICH & ROSATI

17 Attorneys for Defendant  
18 KERRY KILLINGER

19 Dated: April 8, 2009

20 

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21 Attorneys for Defendants  
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23 PHILLIP MATTHEWS, MICHAEL MURPHY,  
WILLIAM REED, JR., ORIN SMITH

24 Dated: April 8, 2009

25   

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JAMES J. FARRELL  
LATHAM & WATKINS LLP

26 Attorneys for Defendant  
27 DELOITTE & TOUCHE LLP  
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1 SO ORDERED this 9th day of April, 2009.

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Hon. Jeffrey S. White, U.S. District Judge