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11 Attorneys for Plaintiff John Balsley

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 JOHN BALSLEY, an individual,
 15 Plaintiff,
 16 v.
 17 TRUSTEES OF THE DELTA STAR
 18 EMPLOYEE STOCK OWNERSHIP
 19 PLAN; DELTA STAR, INC., a Delaware
 20 corporation; JASON GREENE, an
 21 individual; and DOES 1 through 100,
 22 Defendants.

23 CASE NO. CV-09-2952 TEH
 24 STIPULATION FOR PLAINTIFF TO FILE
 25 SECOND AMENDED COMPLAINT
 26 Complaint Filed: June 30, 2009
 27 Trial Date: February 15, 2011

28 On June 23, 2010, Plaintiff filed a motion for leave to file the Second Amended
 29 Complaint. Defendants, after reviewing the motion, have decided that they will not oppose the
 30 filing of the Second Amended Complaint (concurrently filed herewith) provided, however, that
 31 Plaintiff stipulates to reopening of his deposition for purposes of questioning him regarding the
 32 new facts of the Second Amended Complaint. Plaintiff has agreed to stipulate to reopening his
 33 deposition for this limited purpose. In addition, in light of the fact the Plaintiff received the
 34 Summary Plan Description the night prior to the deposition of Jason Greene, Defendants also
 35 agree to stipulate to reopening the deposition of Jason Greene for the purpose of questioning
 36 him regarding the new factual allegations of the Second Amended Complaint that relate to the
 37 Summary Plan Description.

38 /././

BUTTERFIELD
 SCHECHTER
 ♦LLP

1 For good cause showing, Plaintiff and Defendants request that the Court grant this
2 Stipulation for filing of the Second Amended Complaint.

3 DATED: July 6, 2010

BUTTERFIELD SCHECHTER ♦ LLP

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5 By: /s/ Marc S. Schechter
6 MARC S. SCHECHTER
7 SUSAN L. METER
8 ELIZABETH M. SALES
9 Attorneys for Plaintiff
10 John Balsley

11 DATED: July 6, 2010

DLA PIPER LLP

12 By: /s/ Hope Ann Case
13 HOPE ANN CASE
14 MARGARET A. CRAWFORD
15 Attorneys for Defendants

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 DATED: July 7, 2010



27 BUTTERFIELD
28 SCHECHTER
♦ LLP

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