

Trucker ♦ Huss
A Professional Corporation
100 Montgomery Street, 23rd Floor
San Francisco, California 94104

1 R. Bradford Huss, SBN 71303
bhuss@truckerhuss.com
2 Clarissa A. Kang, SBN 210660
ckang@truckerhuss.com
3 Michelle L. Schuller, SBN 255787
mschuller@truckerhuss.com
4 TRUCKER ♦ HUSS
A Professional Corporation
5 100 Montgomery Street, 23rd Floor
San Francisco, California 94104
6 Telephone: (415) 788-3111
Facsimile: (415) 421-2017

7 Attorneys for Defendants
8 DLA Piper US LLP Profit Sharing
and 401(k) Savings Plan Committee,
9 Carol Buss, Lawrence A. Robins
and Bank of Oklahoma, N.A.

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 RICHARD FALCONE,
14 Plaintiff,
15 vs.
16 DLA PIPER US LLP PROFIT SHARING
AND 401(K) SAVINGS PLAN
17 COMMITTEE; CAROL BUSS; LAWRENCE
A. ROBINS; BANK OF OKLAHOMA, N.A.;
18 and DOES 1-100,
19 Defendant.

Case No. C09-05555 MHP

**STIPULATION AND [PROPOSED]
ORDER RE EXTENSION OF TIME FOR
DEFENDANTS TO RESPOND TO THE
AMENDED COMPLAINT**

21 Defendants DLA PIPER US LLP PROFIT SHARING AND 401(K) SAVINGS PLAN
22 COMMITTEE, CAROL BUSS, LAWRENCE A. ROBINS and BANK OF OKLAHOMA, N.A.
23 (“Defendants”) and Plaintiff RICHARD FALCONE (“Plaintiff”) hereby stipulate, by and through
24 their respective counsel, to extend the time by which all Defendants must file a response to
25 Plaintiff’s Amended Complaint. Pursuant to this stipulation, Defendants shall file their response
26 on or before April 5, 2010. Defendants’ request this extension to respond for the following
27 reasons:
28

1 1. This case was initially assigned to Magistrate Judge Chen. Defendants timely filed
2 their Declination to Proceed before a Magistrate on February 10, 2010.

3 2. While reassignment to a district court judge was pending, Defendants timely filed a
4 Motion to Dismiss in response to Plaintiff’s Complaint on February 12, 2010. The case was
5 reassigned to District Court Judge Patel on February 17, 2010, and a Case Management Conference
6 was scheduled for March 29, 2010. The order reassigning the case vacated the hearing date that
7 Defendants had noticed for the Motion to Dismiss and stated that such matters should be renoticed
8 for hearing before Judge Patel.

9 3. Plaintiff filed an Amended Complaint on March 5, 2010. Under the Federal Rules,
10 Defendants must respond to the Amended Complaint by March 19, 2010, which is before the
11 March 29 Case Management Conference.

12 4. The parties are aware of Item No. 4 of Judge Patel’s Standing Order, effective
13 September 4, 2002, which states that “[m]otions to dismiss shall not be filed before the initial Case
14 Management Conference except by leave of the court.”

15 5. To comply with the Standing Order, preserve Defendants’ option to file a Motion to
16 Dismiss, and avoid the potential expenditure of time and resources involved in the filing and
17 hearing of an *ex parte* motion for leave to file a motion to dismiss before the March 29 Case
18 Management Conference, the parties hereby stipulate and agree to allow Defendants to file their
19 response to the Amended Complaint by April 5, 2010.

20 The parties have made one previous modification to the case by stipulation, which extended
21 the time to respond to the initial complaint.

22 This extension will not alter any dates or deadlines set by Court order.

23 DATED: March 15, 2010

TRUCKER ♦ HUSS

24
25 By: /s/Clarissa A. Kang
26 Clarissa A. Kang
27 Attorneys for Defendants
28 DLA Piper US LLP Profit Sharing and 401(k)
 Savings Plan Committee, Carol Buss, Lawrence
 A. Robins and Bank of Oklahoma, N.A.

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: March 15, 2010

LEWIS, FEINBERG, LEE, RENAKER &
JACKSON, P.C.

By: /s/Nina Wasow
Nina Wasow
Attorney for Plaintiff
Richard Falcone

I attest that my firm has obtained Ms. Wasow's concurrence in the filing of this document.

DATED: March 15, 2010

/s/Clarissa A. Kang
Clarissa A. Kang

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/16/2010

MARILYN HALL
United States

