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10 *Attorneys for Plaintiff*

11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14 RICHARD FALCONE,) Case No. C 09-05555 RS
 15)
 16 Plaintiff,) **STIPULATION AND [PROPOSED]**
 17) **ORDER RE EXTENSION OF TIME**
 18 vs.) **FOR DEFENDANTS TO RESPOND TO**
 19) **THE AMENDED COMPLAINT**
 20 DLA PIPER US LLP PROFIT SHARING)
 21 AND 401(K) SAVINGS PLAN)
 22 COMMITTEE; CAROL BUSS; LAWRENCE)
 23 A. ROBINS; BANK OF OKLAHOMA, N.A.;)
 24 and DOES 1-100.)
 25 Defendants.)
 26)

27 Plaintiff RICHARD FALCONE (“Plaintiff”) and Defendants DLA PIPER US LLP
 28 PROFIT SHARING AND 401(K) SAVINGS PLAN COMMITTEE, CAROL BUSS,
 29 LAWRENCE A. ROBINS and BANK OF OKLAHOMA, N.A. (“Defendants”) hereby stipulate,
 30 by and through their respective counsel, to extend the time by which all Defendants must file a
 31 response to Plaintiff’s Amended Complaint. Pursuant to this stipulation, Defendants shall file

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

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1 their response on or before April 22, 2010. The parties request this extension to respond for the
2 following reasons:

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

5 2. While reassignment to a district court judge was pending, Defendants timely filed
6 a Motion to Dismiss in response to Plaintiff's Complaint on February 12, 2010. The case was
7 reassigned to Judge Patel on February 17, 2010, and the hearing on the Motion to Dismiss was
8 vacated.

9 3. Plaintiff filed an Amended Complaint on March 5, 2010. The parties stipulated,
10 and the Court ordered, that Defendants would have until April 5, 2010, to answer or otherwise
11 respond to the Amended Complaint. The case was reassigned to Judge Seeborg on March 18,
12 2010.

13 4. To preserve Defendants' option to file a Motion to Dismiss the Amended
14 Complaint, and to accommodate Plaintiff's counsel's schedule for responding to any such
15 Motion, the parties hereby stipulate and agree to allow Defendants to file their response to the
16 Amended Complaint by April 22, 2010.

17 The parties have made two previous modifications to the case schedule by stipulation,
18 one which extended the time to respond to the initial Complaint and one which extended the time
19 to respond to the Amended Complaint. This extension will not alter any other dates or deadlines
20 set by Court order.

21 Dated: March 24, 2010

22 Respectfully submitted,

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

25 By: /s/Margaret Hasselman (as authorized on 3/24/10)
26 Margaret Hasselman
27 *Attorneys for Plaintiff*

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Dated: March 24, 2010

TRUCKER HUSS APC

By: /s/Clarissa A. Kang
Clarissa A. Kang
Attorneys for Defendants

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

DATED: March 24, 2010

/s/Clarissa A. Kang
Clarissa A. Kang

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 03/24/10


RICHARD SEEBORG
United States District Court Judge

STIPULATION AND ~~PROPOSED~~ ORDER RE EXTENSION OF TIME FOR DEFENDANTS TO RESPOND TO THE AMENDED COMPLAINT

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