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

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 RICHARD FALCONE,
13 Plaintiff,

14 vs.

15 DLA PIPER US LLP PROFIT SHARING
AND 401(K) SAVINGS PLAN
16 COMMITTEE; CAROL BUSS; LAWRENCE
A. ROBINS; BANK OF OKLAHOMA, N.A.;
17 and DOES 1-100,

18 Defendants.

Case No. C09-05555 RS

/RS

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONTINUE DEADLINE TO
COMPLETE ADR TO JULY 22, 2010**

19
20 Plaintiff RICHARD FALCONE (“Plaintiff”) and Defendants DLA PIPER US LLP
21 PROFIT SHARING AND 401(K) SAVINGS PLAN COMMITTEE, CAROL BUSS,
22 LAWRENCE A. ROBINS and BANK OF OKLAHOMA, N.A. (“Defendants”) hereby stipulate,
23 by and through their respective counsel, to continue to July 22, 2010, the deadline to complete
24 mediation through the Court’s ADR program as set by the Court’s April 8, 2010 Case Management
25 Scheduling Order (Docket #26).

26 1. Plaintiff and Defendants earlier agreed to participate in mediation pursuant to the
27 Court’s rules regarding alternative dispute resolution.

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1 2. Pursuant to the April 8, 2010 Case Management Scheduling Order, the Court
2 referred the parties to mediation, which was to be completed within 90 days from the date of the
3 Case Management Scheduling Order. The current deadline for holding the mediation in this case is
4 July 7, 2010.

5 3. On April 19, 2010, the Court notified the parties and counsel that Katherine Ritchey
6 was assigned to conduct the mediation to be held in this case. The case was later reassigned to
7 mediator James P. Baker on May 13, 2010.

8 4. Pursuant to ADR Local Rule 6-4(a), counsel for Plaintiff, counsel for Defendant,
9 and the mediator participated in a premediation conference call on June 4, 2010 to discuss the case
10 and the scheduling of the mediation. Counsel for both parties and the mediator agreed that
11 mediation should take place after the court ruled on Defendants' Motion to Dismiss, which at the
12 time of the premediation call was pending before the Court. The parties and mediator discussed
13 their respective schedules for possible mediation dates after July 7, 2010. Counsel for both parties
14 had scheduling conflicts in late June and early July. Counsel for both parties and the mediator
15 tentatively reserved July 21 and July 22 as possible mediation dates, subject to confirmation of the
16 parties' availability.

17 5. Counsel for the parties have now determined that July 22, 2010 is a mutually
18 convenient deadline for all counsel and parties to hold mediation in this matter. Holding a
19 mediation on that date would also provide all parties with sufficient time to prepare and submit a
20 mediation statement in advance of the mediation.

21 6. The parties therefore hereby stipulate that, subject to Court approval of this
22 Stipulation and final confirmation of the date with the mediator, a mediation of this action shall be
23 conducted on or before July 22, 2010.

24 DATED: June 10, 2010

**LEWIS, FEINBERG, LEE, RENAHER &
JACKSON, P.C.**

By: /s/Margaret Hasselman
Margaret Hasselman
Attorneys for Plaintiff
Richard Falcone

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DATED: June 10, 2010

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

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

DATED: June 10, 2010

/s/Clarissa A. Kang
Clarissa A. Kang

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED 6-10-10

RICHARD SEEBORG
United States District Judge

