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 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

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE CASE  
 MANAGEMENT DEADLINES**

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 100 Montgomery Street, 23<sup>rd</sup> Floor  
 San Francisco, California 94104

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 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 the case management deadlines set by the  
 24 Court’s April 8, 2010 Case Management Scheduling Order (Docket #26) by approximately sixty  
 25 days.

26 The parties agree and respectfully request that the deadline for the following case  
 27 management events set by the Case Management Scheduling Order be rescheduled as follows:  
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<u>Event</u>	<u>Deadline Set by Case Management Scheduling Order</u>	<u>[Proposed] Continued Date</u>
Non-Expert Discovery Completion	11/30/10	1/28/11
Expert Witnesses – Plaintiff’s disclosure of expert testimony and reports (Fed. R. Civ. P. 26(a)(2))	1/18/11	3/18/11
Expert Witnesses – Defendants’ disclosure of expert testimony and reports (Fed. R. Civ. P. 26(a)(2))	2/1/11	4/1/11
Expert Witnesses - expert witness discovery completion	2/15/11	4/15/11
Pretrial Motions – deadline to hear	3/21/11	<del>5/20/11</del> 5/19/2011
Joint Pretrial Statement Due	6/16/11	<del>8/15/11</del> 8/18/2011
Pretrial Conference	6/30/11	<del>8/29/11</del> 9/1/2011 at 10:00 a.m.
Trial Date	7/11/11	<del>9/9/11</del> 9/12/2011 at 9:00 a.m.

The parties respectfully make this request because the parties believe that an approximately 60-day extension is mutually convenient for all counsel and parties. Extending the above case management deadlines for this period will provide all parties with sufficient time to propound additional discovery requests, respond to all discovery requests, and take depositions.

1 The parties have made four previous modifications to the case through (1) the Stipulation re  
2 Extension of Time to Respond to the Complaint (Docket #3); (2) the March 15, 2010 Stipulation re  
3 Extension of Time for Defendants to Respond to the Amended Complaint (Docket # 19); (3) the  
4 March 24, 2010 Stipulation re Extension of Time for Defendants to Respond to the Amended  
5 Complaint (Docket # 22); and (4) the Stipulation to Continue Deadline to Complete ADR to July  
6 22, 2010 (Docket #39).

7 As noted in the chart above, the parties' current request for a continuance of case  
8 management deadlines will alter deadlines set by the Court's April 8, 2010 Case Management  
9 Scheduling Order.

10 DATED: November 8, 2010

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

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12 By: /s/ Nina Wasow \_\_\_\_\_

Nina Wasow

Attorneys for Plaintiff

Richard Falcone

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14  
15 DATED: November 8, 2010

TRUCKER ♦ HUSS

16 By: /s/ Clarissa A. 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.

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

21 DATED: November 8, 2010

22 By: /s/ Clarissa A. Kang \_\_\_\_\_

Clarissa A. Kang

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24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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26 DATED 11/10/10 \_\_\_\_\_



RICHARD SEEBORG

United States District Court Judge