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6 Attorneys for Defendants
 MATHIEU FIDIAM, J. ROBERT GALLUCCI and
 7 THE PARROT CELLULAR EMPLOYEE STOCK
 OWNERSHIP PLAN
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 HILDA L. SOLIS,
 Secretary of the United States
 12 Department of Labor,

13 Plaintiff,

14 v.

15 DENNIS WEBB, MATHIEU FIDIAM,
 J. ROBERT GALLUCCI, CONSULTING
 16 FIDUCIARIES, INC., and THE PARROT
 CELLULAR EMPLOYEE STOCK
 17 OWNERSHIP PLAN,

18 Defendants.

Civil Action No. C 12-02055 EMC

**STIPULATION AND [PROPOSED]
 ORDER REGARDING
 CONSOLIDATION OF HEARING
 DATES FOR THE CASE
 MANAGEMENT CONFERENCE AND
 FIDIAM & GALLUCCI, PARROT
 CELLULAR ESOP AND DENNIS
 WEBB MOTIONS TO DISMISS**

[CIVIL L.R. 7-12]

1 **RECITAL**

2 In accordance with the Court’s June 4, 2012 Case Management Conference Order in
3 Reassigned Cases (“CMC Order”), a Case Management Conference is currently scheduled for
4 August 10, 2012 at 9:00 a.m. in the above-referenced case. [Dkt. #19.]. The CMC Order also set the
5 parties’ deadline for filing a *joint* case management conference statement at one week in advance of
6 the case management conference date.

7 On May 29, 2012, Defendants Mathieu Fidiam and J. Robert Gallucci (“Fidiam & Gallucci”)
8 filed a Motion to Dismiss Plaintiff’s Complaint and noticed their Motion for oral argument on
9 July 6, 2012. [Dkt. #18.] On June 26, 2012, Defendant The Parrot Cellular ESOP Stock Ownership
10 Plan¹ (the “ESOP”) filed a Motion to Dismiss Plaintiff’s Complaint and noticed its Motion for
11 August 10, 2012. [Dkt. #32.] Defendant Dennis Webb (“Webb”) filed both a Joinder in the
12 Fidiam & Gallucci Motion to Dismiss [Dkt. #33] and his own Motion to Dismiss [Dkt. #35] on
13 June 26, 2012. The hearing on Webb’s Motion is presently set for August 24, 2012.

14 **STIPULATION**

15 1. The parties, through their undersigned counsel, have met and conferred and agree that
16 it is in the interests of the parties and serves the interests of judicial economy to hold one hearing on
17 the Case Management Conference and all of the pending Motions to Dismiss. Accordingly, the
18 parties hereby request:

19 a. That the Case Management Conference and the Motions to Dismiss filed by
20 Fidiam & Gallucci, the ESOP and Webb all be heard on August 24, 2012 at 1:30 p.m. in
21 Courtroom 5, 17th Floor before the Honorable Edward M. Chen;

22 b. That the parties’ deadline for filing a joint Case Management Conference
23 Statement be set for August 17, 2012.

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27 ¹ The Parrot Cellular Employee Stock Ownership Plan and Money Purchase Pension Plan was
28 erroneously named in the Complaint as the Parrot Cellular Employee Stock Ownership Plan.

1 2. By entering into this Stipulation, none of the parties waive any procedural or
2 substantive defenses, rights or objections, including, but not limited to the right to challenge personal
3 jurisdiction over any particular Defendant.

4 Respectfully submitted,

5 Dated: June 28, 2012

BAKER & McKENZIE LLP

6
7 By: /s/ James P. Baker

8 James P. Baker
9 Emily L. Garcia
10 Attorneys for Defendants
11 MATHIEU FIDIAM, J. ROBERT
12 GALLUCCI and THE PARROT
13 CELLULAR EMPLOYEE STOCK
14 OWNERSHIP PLAN

11 Dated: June 28, 2012

U.S. DEPARTMENT OF LABOR, PLAN
BENEFITS SECURITY DIVISION

13 By: /s/ Glenn M. Loos

14 Glenn M. Loos
15 Eric C. Lund
16 Attorneys for Plaintiff
17 HILDA L. SOLIS

16 Dated: June 28, 2012

TRUCKER HUSS APC

18 By: /s/ R. Bradford Huss

19 R. Bradford Huss
20 Attorneys for Defendant
21 DENNIS WEBB

20 Dated: June 28, 2012

WILSON ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP

22 By: /s/ Ralph W. Robinson

23 Ralph W. Robinson
24 Shivani Nanda
25 Attorneys for Defendant
26 CONSULTING FIDUCIARIES, INC.

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[PROPOSED] ORDER

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It is hereby **ORDERED** that the Case Management Conference and oral argument on the Motions to Dismiss filed by Defendants Fidiam & Gallucci, the ESOP and Webb [Dkt. ##18, 32, and 35] shall be heard on August 24, 2012 at 1:30 p.m. in Courtroom 5, 17th Floor and that the parties' joint case management conference statement is due on August 17, 2012.

IT IS SO ORDERED.

Dated: 6/28, 2012

HON. EDWARD M. CHEN
UNITED STATES DISTRICT COURT



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ATTESTATION CERTIFICATE

In accordance with the Northern District of California’s General Order No. 45,
Section X(B), I attest that concurrence in the filing of this document has been obtained from each of
the other signatories who are listed on the signature page.

Dated: June 28, 2012

/s/ James P. Baker
James P. Baker

BAKER & McKENZIE LLP
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San Francisco, CA 94111-3802
Telephone: (415) 576-3000
Facsimile: (415) 576-3099

1 **CERTIFICATE OF SERVICE**

2 I, Bobette M. Tolmer, declare as follows:

3 I am over the age of eighteen years and not a party to the case. I am employed in the County
4 of San Francisco, State of California, where the mailing occurs; and my business address is
5 **BAKER & McKENZIE LLP**, Two Embarcadero Center, 11th Floor, San Francisco, California
94111-3802; 415 576 3000.

6 **On June 28, 2012, I served a copy of the within document(s):**

7 **STIPULATION AND [PROPOSED] ORDER REGARDING CONSOLIDATION OF**
8 **HEARING DATES FOR THE CASE MANAGEMENT CONFERENCE AND FIDIAM &**
9 **GALLUCCI, PARROT CELLULAR ESOP AND DENNIS WEBB MOTIONS TO**
10 **DISMISS**

11 on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes
12 addressed as follows:

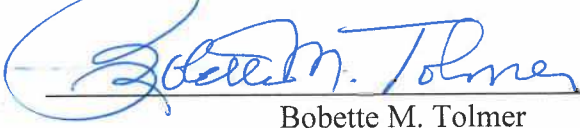
13 Isabella Marie Finneman, Esq.
14 Office of the Solicitor,
15 United States Department of Labor
16 90 7th Street, Suite 3-700
17 San Francisco, California 94103
18 Phone: 415.625.7750
19 Fax: 415.625.7772

20 *Attorneys for Plaintiff*
21 Hilda L. Solis
22 Secretary of the U.S. Dept. of Labor

23 (BY U.S. MAIL) I placed each such sealed, prepaid envelope, for collection and mailing at
24 Baker & McKenzie LLP, San Francisco, California, following ordinary business practices. I
25 am familiar with the practice of collection for U.S. mail, said practice being that in the
26 ordinary course of business, correspondence is picked up at our office the same day as it is
27 placed for collection. I am aware that on motion of the party served, service is presumed
28 invalid if postal cancellation date or postage meter date is more than one day after date of
deposit for mailing in affidavit

I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

I declare under penalty of perjury under the laws of the United States of America that the
above is true and correct. Executed on June 28 2012, at San Francisco, California.



Bobette M. Tolmer

GESDMS/6584667.1