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*Counsel for Plaintiffs*  
*(Additional Counsel listed on signature page)*

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Merrill Lynch, Pierce, Fenner & Smith  
Incorporated, as successor by merger to Banc of  
America Securities LLC, Jason David Glidden,  
and Verlin Olen Dobkins,

Plaintiffs,

v.

N.R. Hamm Quarry, LLC,

Defendant.

No. 3:12-cv-02127-JSW

**STIPULATION AND ~~PROPOSED~~  
SCHEDULING ORDER**

Date: December 14, 2012  
Time: 9:00 A.M.  
Location: Courtroom 11, 19th Floor  
Before: Hon. Jeffrey S. White

**STIPULATION**

1  
2 Plaintiffs Merrill Lynch, Pierce, Fenner & Smith Incorporated, as successor by merger to  
3 Banc of America Securities LLC, Jason David Glidden, and Verlin Olen Dobkins, and  
4 Defendant N.R. Hamm Quarry, LLC, by and through their respective counsel of record, hereby  
5 stipulate as follows:

6 **WHEREAS**, under this Court’s September 4, 2012 Order, (i) Plaintiffs shall file their reply in  
7 support of the cross-motion for summary judgment by November 9, 2012; and (ii) the hearing on  
8 Defendant’s motion to dismiss and Plaintiffs’ cross-motion for summary judgment is on December 14,  
9 2012;

10 **WHEREAS**, in light of recent disruptions caused by Hurricane Sandy, the parties have  
11 conferred, and agreed to a modest extension of the time for Plaintiffs to file their reply in support of the  
12 cross-motion for summary judgment; and

13 **WHEREAS, IT IS THEREFORE STIPULATED AND AGREED**, by and between Plaintiffs  
14 and Defendant, acting through their representative counsel, subject to this Court’s approval, as follows:

- 15 1. Plaintiffs shall file their reply in support of the cross-motion for summary judgment by  
16 November 14, 2012; and  
17 2. The Court’s September 4, 2012 Order shall otherwise remain in full effect.  
18

19 Dated: November 6, 2012

20 **O’MELVENY & MYERS LLP**

21 By:  /s/ B. Andrew Bednark

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4 *Attorneys for Plaintiffs*

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12 **STUEVE SIEGEL HANSON LLP**

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siegel@stuevesiegel.com (*pro hac vice* application forthcoming)  
14 Rachel E. Schwartz (S.B. # 56241)  
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18 Fax: (816) 714-7101

19 *Attorneys for Defendant*

20  
21 **Attestation**

22 I hereby attest that I have obtained concurrence in the filing of this Stipulation from all of  
23 the parties listed in the signature blocks above.

24 Dated: November 6, 2012

25 By:  /s/ B. Andrew Bednark

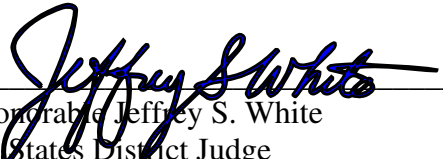
26 B. Andrew Bednark, Attorney for Plaintiffs  
27  
28

**~~PROPOSED~~ ORDER**

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

1. Plaintiffs shall file their reply in support of the cross-motion for summary judgment by November 14, 2012; and
2. The Court's September 4, 2012 Order shall otherwise remain in full effect.

Dated: November 7, 2012

  
\_\_\_\_\_  
The Honorable Jeffrey S. White  
United States District Judge