

1 JAMES M. WAGSTAFFE (95535)  
**KERR & WAGSTAFFE LLP**  
 2 101 Mission Street, 18th Floor  
 San Francisco, CA 94105-1727  
 3 Telephone: (415) 371-8500  
 Fax: (415) 371-0500  
 4 Email: wagstaffe@kerrwagstaffe.com

5 Attorneys for Plaintiff  
 UFCW LOCAL 1500 PENSION FUND

6 *[additional counsel on signature page]*  
 7

8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN JOSE DIVISION**

11  
 12 UFCW LOCAL 1500 PENSION FUND, on  
 behalf of itself and all others similarly situated,  
 13 Plaintiff  
 14 v.  
 15 MARISSA MAYER, DAVID FILO, SUE  
 JAMES, THOMAS J. MCINERNEY, CHARLES  
 16 R. SCHWAB, H. LEE SCOTT, JR., JANE E.  
 SHAW, MAYNARD WEBB, JR., KENNETH A.  
 17 GOLDMAN, RONALD S. BELL, HENRIQUE  
 DE CASTRO, and MAX R. LEVCHIN,  
 18 Defendants  
 19 and  
 20 YAHOO! INC.,  
 21 Nominal Defendant

Case No. 3:16-cv-00478-RS

**STIPULATION AND ~~PROPOSED~~  
 ORDER PERMITTING PLAINTIFF TO  
 FILE FIRST AMENDED COMPLAINT  
 (CIV. L.R. 6-2) AND VACATING  
 JUNE 16, 2016 HEARING DATE**

CLASS AND DERIVATIVE ACTION

1 **STIPULATION**

2 WHEREAS, Plaintiff filed this action on January 27, 2016 [Dkt. #1];

3 WHEREAS, the Individual Defendants and Nominal Defendant Yahoo! Inc. filed  
4 motions to dismiss on March 18, 2016 [Dkt. ##10 & 11];

5 WHEREAS, the hearing on the motions to dismiss is set for June 16, 2016 [*Id.*];

6 WHEREAS, Plaintiff’s responses to Defendants’ motions to dismiss are presently due  
7 April 29, 2016 [*Id.*];

8 WHEREAS, Plaintiff now intends to file a First Amended Complaint;

9 WHEREAS, counsel for Defendants and counsel for Plaintiff have agreed that Plaintiff  
10 may have until April 29, 2016, to file a First Amended Complaint; and

11 WHEREAS, the parties have not previously requested any change to the time frame for  
12 Plaintiff to file an amended complaint, and expect this will have only a minor effect on the  
13 schedule of this action;

14 NOW THEREFOR, the parties to this action, by and through their counsel of record, do  
15 stipulate as follows:

- 16 (1) Plaintiff shall have until April 29, 2016, to file its First Amended Complaint in this
- 17 action; and
- 18 (2) following said filing, the parties shall meet and confer regarding the timing of
- 19 Defendants’ response.
- 20 (3) The June 16, 2016 hearing shall be vacated.

21  
22 Date: April 14, 2016

**KERR & WAGSTAFFE LLP**

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24 By: /s/ James M. Wagstaffe  
 JAMES M. WAGSTAFFE  
**KERR & WAGSTAFFE LLP**  
 101 Mission Street, 18th Floor  
 San Francisco, CA 94105-1727  
 Telephone: (415) 371-8500  
 Fax: (415) 371-0500  
 Email: wagstaffe@kerrwagstaffe.com

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ROBERT J. GRALEWSKI, JR.  
**KIRBY MCINERNEY LLP**  
600 B. Street, Suite 1900  
San Diego, California 92101  
Telephone: (619) 398-4340  
Fax: (212) 751-2540  
Email: bgralewski@kmlp.com

PETER S. LINDEN  
IRA M. PRESS  
MELISSA A. FORTUNATO  
**KIRBY MCINERNEY LLP**  
825 Third Avenue, 16th Floor  
New York, New York 10022  
Telephone: (212) 371-6600  
Fax: (212) 699-1194  
Email: plinden@kmlp.com  
Email: ipress@kmlp.com  
Email: mfortunato@kmlp.com

LESLIE BLACKNER  
RICHARD L. STONE  
**BLACKNER STONE & ASSOCIATES, PA**  
123 Australian Avenue  
Palm Beach, Florida 33480  
Telephone: (561) 804-9569  
Fax: (561) 659-5754  
Email: lblackner@aol.com  
Email: rstonesq@aol.com

*Attorneys for Plaintiff and the Proposed Class*

Date: April 14, 2016

**MORRISON & FOERSTER LLP**

By: /s/ Mark R.S. Foster  
MARK R.S. FOSTER  
**MORRISON & FOERSTER LLP**  
425 Market Street  
San Francisco, CA 94105  
Telephone: (415) 268-7000  
Fax: (415) 268-7522  
Email: MFoster@mofo.com

Attorneys for Defendants  
MARISSA MAYER, DAVID FILO, SUE JAMES,  
THOMAS J. MCINERNEY, CHARLES R.  
SCHWAB, H. LEE SCOTT, JR., JANE E. SHAW,

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MAYNARD WEBB, JR., KENNETH A.  
GOLDMAN, RONALD S. BELL, HENRIQUE DE  
CASTRO, AND MARK R. LEVCHIN

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**ATTESTATION**

I, James M. Wagstaffe, am the ECF User whose ID and password are being used to file this **STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF TO FILE FIRST AMENDED COMPLAINT**. I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Date: April 14, 2016

**KERR & WAGSTAFFE LLP**

By: /s/ James M. Wagstaffe  
JAMES M. WAGSTAFFE

Attorney for Defendant  
COUNTY OF SAN MATEO

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~~[PROPOSED]~~ ORDER

The Court having considered the stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that:

- (1) Plaintiff shall have until April 29, 2016, to file its First Amended Complaint in this action; and
- (2) following said filing, the parties shall meet and confer regarding the timing of Defendants' response.
- (3) The June 16, 2016 hearing is vacated.

DATED: 4/14/16

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE