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 9 Henrique De Castro, and Max R. Levchin

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

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

Case No. 3:16-cv-00478-RS  
**STIPULATION AND ~~PROPOSED~~  
 ORDER SETTING SCHEDULE ON  
 MOTION TO DISMISS SECOND  
 AMENDED COMPLAINT AND INITIAL  
 CASE MANAGEMENT CONFERENCE**

1 The parties, by and through their undersigned counsel, submit the following stipulation  
2 and proposed order.

3 WHEREAS, on October 19, 2016, the Court entered an Order granting Defendants'  
4 Motion to Dismiss Plaintiff's Amended Complaint and providing Plaintiff leave to file a Second  
5 Amended Complaint within 30 days of the issuance of the Order.

6 WHEREAS, on November 18, 2016, Plaintiff filed a Second Amended Complaint (the  
7 "SAC").

8 WHEREAS, the parties have met and conferred and agreed upon a date by which  
9 Defendants shall move to dismiss the SAC, and a briefing schedule for any such motions;

10 WHEREAS, the initial case management conference has been previously been reset  
11 on several occasions to trail the briefing, hearing, and ruling on defendants' motion to dismiss  
12 Plaintiff's complaints (*e.g.*, Dkt. #18; Dkt. #27, Dkt. #33, Dkt. #57, Dkt. #70) and the parties  
13 believe that it would be logical and efficient to set the initial case management conference to  
14 follow the hearing on Defendants' motion to dismiss the SAC.

15 NOW, THEREFORE, the parties hereby agree and stipulate, subject to Court approval, to  
16 the following deadlines and briefing schedule:

- 17 1. Defendants shall file their motion(s) to dismiss the SAC on or before  
18 December 14, 2016;
- 19 2. Plaintiff's opposition(s) shall be filed on or before January 16, 2017;
- 20 3. Defendants' reply papers in further support of their motion(s) to dismiss shall be  
21 filed on or before February 2, 2017;
- 22 4. The hearing on any such motions to dismiss shall be set for February 16, 2017, at  
23 1:30 p.m., or a date thereafter that is convenient for the Court.
- 24 5. The case management conference presently scheduled for January 19, 2017, shall  
25 be continued to March 9, 2017, at 10:00 a.m.

26  
27 **IT IS SO STIPULATED.**

1 Date: November 23, 2016

**MORRISON & FOERSTER LLP**

2  
3 By: /s/ Mark R.S. Foster

JORDAN ETH

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and Defendants YAHOO! INC., MARISSA  
11 MAYER, DAVID FILO, SUE JAMES, THOMAS  
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12 LEE SCOTT, JR., JANE E. SHAW, MAYNARD  
WEBB, JR., KENNETH A. GOLDMAN,  
13 RONALD S. BELL, HENRIQUE DE CASTRO,  
AND MARK R. LEVCHIN

14 Date: November 23, 2016

**KIRBY MCINERNEY LLP**

15 By: /s/ Peter S. Linden

PETER S. LINDEN (admitted *pro hac vice*)

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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. Defendants shall file their motion(s) to dismiss the SAC on or before December 14, 2016;
2. Plaintiff's opposition(s) shall be filed on or before January 16, 2017;
3. Defendants' reply papers in further support of their motion(s) to dismiss shall be filed on or before February 2, 2017;
4. The hearing on any such motions to dismiss shall be set for February 16, 2017, at 1:30 p.m., or a date thereafter that is convenient for the Court.
5. The case management conference presently scheduled for January 19, 2017, shall be continued to March 9, 2017, at 10:00 a.m.

DATED: 11/28/16

  
HON. RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE