

1 ARNOLD & PORTER LLP  
 GILBERT R. SEROTA (Bar No. 75305)  
 2 gilbert.serota@aporter.com  
 ERICA M. CONNOLLY (Bar No. 288822)  
 3 erica.connolly@aporter.com  
 Three Embarcadero Center, 7th Floor  
 4 San Francisco, California 94111-4024  
 Telephone: (415) 471-3100  
 5 Facsimile: (415) 471-3400

6 LOWELL HAKY (No. 178526)  
 Vice President and Associate General Counsel  
 7 MAI KLAASSEN (No. 209546)  
 Vice President and Associate General Counsel  
 8 CHARLES SCHWAB & CO., INC.  
 211 Main Street  
 9 San Francisco, CA 94105  
 Telephone: (415) 471-3100  
 10 Facsimile: (415) 471-3400

11 Attorneys for Defendants THE CHARLES SCHWAB  
 CORPORATION and CHARLES SCHWAB & CO., INC.

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

16 ROBERT CRAGO, Individually And On Behalf  
 Of All Others Similarly Situated,

17 Plaintiff,

18 v.

19 THE CHARLES SCHWAB CORPORATION,  
 20 CHARLES SCHWAB & CO., INC., CHARLES  
 R. SCHWAB, and WALTER W. BETTINGER  
 21 II,

22 Defendants.

Case No. 3:16-cv-3938-RS

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER TO EXTEND DEADLINE TO  
 RESPOND TO COMPLAINT AND TO  
 VACATE INITIAL CASE  
 MANAGEMENT CONFERENCE**

23  
 24  
 25  
 26  
 27  
 28

1 WHEREAS, Plaintiff Robert Crago (“Plaintiff”) filed his complaint on July 13, 2016;

2 WHEREAS, the Court set an initial case management conference for October 13, 2016 (*see*  
3 ECF No. 13);

4 WHEREAS, on July 27, 2016, Plaintiff sent a Notice of Lawsuit and Request To Waive  
5 Service of Summons to Defendants The Charles Schwab Corporation, Charles Schwab & Co., Inc.,  
6 Charles R. Schwab, and Walter W. Bettinger II (collectively “Defendants”);

7 WHEREAS, Defendants agreed to waive service as to The Charles Schwab Corporation and  
8 Charles Schwab & Co., Inc. and sent these waivers to Plaintiff on August 26, 2016;

9 WHEREAS, pursuant to the Securities Exchange Act of 1934 (as amended by the Private  
10 Securities Litigation Reform Act of 1995) (*see* 15 U.S.C. §78u-4(a)(3)(i)(II)) and Civ. L.R. 23-1(b),  
11 on September 16, 2016, two sets of parties moved the Court for appointment as lead plaintiff of the  
12 putative class, and the hearing on the motion is set for October 27, 2016 (*see* ECF Nos. 14, 17);

13 WHEREAS, Plaintiff Crago has not moved for appointment as lead plaintiff of the putative  
14 class;

15 WHEREAS, following appointment of lead plaintiff, a new or Amended Complaint will be  
16 filed and Defendants anticipate that they will likely move to dismiss said Complaint;

17 WHEREAS, these parties agree that in light of the foregoing circumstances and in the  
18 interest of judicial efficiency, administration and justice, as well as conservation of judicial and  
19 private resources, the appointed lead plaintiff who amends or files a new Complaint should be  
20 responsible for responding to Defendants’ intended motion to dismiss;

21 WHEREAS, the parties have conferred and have agreed to extend the deadline for  
22 Defendants to respond to the Amended Complaint until 30 days after the lead plaintiff files the  
23 Amended Complaint;

24 WHEREAS, pursuant to the terms of the Securities Exchange Act (as amended by the  
25 PSLRA) (*see* 15 U.S.C. §78u-4(b)(3)(B)), all discovery is currently stayed pending resolution of  
26 any motion to dismiss filed by Defendants; and

27 WHEREAS, these parties also agree that the initial case management conference, now set to  
28 occur before the hearing on lead plaintiff, should be vacated.



1 **[PROPOSED] ORDER**

2 Based on the parties' stipulation and the good cause described therein, the Court GRANTS  
3 this stipulation. Defendants' deadline to respond is 30 days after the appointed lead plaintiff for the  
4 putative class files a new or Amended Complaint. The initial case management conference set for  
5 shall be October 13 ~~is vacated~~, continued to January 5, 2017. Joint case management  
6 statement due December 29, 2016.

7 IT IS SO ORDERED.

8 DATED: 9/26/16



9 HON. RICHARD SEEBORG  
10 U.S. District Court Judge