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14 Attorneys for Defendants
Franklin Templeton Investor Services, LLC,
 15 *Franklin/Templeton Distributors, Inc., and*
Templeton Institutional Funds
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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**

19 BOARD OF RETIREMENT OF THE
 20 IMPERIAL COUNTY EMPLOYEES'
 RETIREMENT SYSTEM,

21 Plaintiff,

22 v.

23 FRANKLIN TEMPLETON INVESTOR
 24 SERVICES, LLC.,
 FRANKLIN/TEMPLETON
 25 DISTRIBUTORS, INC., TEMPLETON
 INSTITUTIONAL FUNDS, INC. AND DOES
 26 1 THROUGH 50,

27 Defendants.
 28

Case No. 3:17-cv-01784-JST

**STIPULATION AND [PROPOSED]
 ORDER REGARDING BRIEFING DATES
 FOR DEFENDANTS' MOTION TO
 DISMISS**

Judge: Hon. Jon S. Tigar
 Courtroom: 9, 19th Floor

1 WHEREAS, plaintiff Imperial County Employees' Retirement System (the "Plaintiff")
2 filed a complaint in the Superior Court in and for the County of San Mateo on January 18, 2017,
3 followed by a First Amended Complaint on March 1, 2017. *See* ECF 1-1 (First Amended
4 Complaint).

5 WHEREAS, defendants Franklin Templeton Investor Services, LLC, Franklin/Templeton
6 Distributors, Inc. and Templeton Institutional Funds (collectively, the "Defendants") removed this
7 action to this Court on March 31, 2017 and it was assigned to Magistrate Judge Joseph C. Sperro.
8 *See* ECF 1 (Notice of Removal).

9 WHEREAS, Defendants filed a motion to dismiss (the "Motion") the Plaintiff's First
10 Amended Complaint on April 7, 2017 which was set to be heard by Magistrate Judge Joseph C.
11 Sperro on May 19, 2017 at 2:00 pm. *See* ECF 8 (Motion).

12 WHEREAS, Plaintiff's opposition (the "Opposition") to the Motion is due April 21, 2017
13 and Defendants' reply (the "Reply") in support of their Motion is due April 28, 2017 pursuant to
14 Rule 7-3 of the Local Rules of the United States District Court for the Northern District of
15 California.

16 WHEREAS, Defendants declined to consent to the jurisdiction of a Magistrate Judge and,
17 as a result, the Clerk of Court vacated the May 19, 2017 hearing date pending reassignment. *See*
18 ECF 12 (Defendants' Declination), 14 (Clerk of Court's Notice of Impending Reassignment).

19 WHEREAS, this action was assigned to United States District Court Judge Jon S. Tigar on
20 April 18, 2017. *See* ECF 15 (Order Reassigning Case).

21 WHEREAS, the parties have been engaged in settlement discussions since the filing of the
22 Motion and, as a result of the directive vacating the hearing date, and in order to facilitate the
23 ongoing settlement discussions between the parties, the parties agree that the deadlines for the
24 Opposition and Reply briefs should be briefly vacated to enable the parties to focus adequate
25 resources on pursuing settlement which may avoid unnecessary use of judicial resources in the
26 interim.

27 WHEREAS, no other time modification has been requested or obtained in this action and,
28 consistently, the parties do not believe the granting of this modification would impact the schedule

1 in this action.

2 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
3 respective parties hereto, subject to the approval of the Court, that:

4 1. Plaintiff shall not be required to file their Opposition on April 21, 2017.

5 2. Defendants shall not be required to file their Reply on April 28, 2017.

6 3. Within ten (10) days of the filing of this stipulation, the parties will meet-and-
7 confer to attempt to agree upon a rescheduled hearing date for the Motion and a briefing schedule
8 for the Opposition and Reply and, if necessary, will submit a revised schedule to this Court for
9 approval no later than April 26, 2017.

10 **IT IS SO STIPULATED.**

11 DATED: April 18, 2017

HANSON BRIDGETT LLP

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13

By: /s/ Raymond F. Lynch

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RAYMOND F. LYNCH

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MATTHEW J. PECK

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Attorneys for Board of Retirement of the Imperial
County Employees' Retirement System

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19 DATED: April 18, 2017

ARNOLD & PORTER KAYE SCHOLER LLP

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By: /s/ Gilbert R. Serota

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GILBERT R. SEROTA

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AMY V. ENDICOTT

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ALISON C. EPSTEIN

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Attorneys for Defendants Franklin Templeton
Investor Services, LLC, Franklin/Templeton
Distributors, Inc., and Templeton Institutional
Funds.

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PROPOSED ORDER

The parties having so stipulated and good cause appearing, **IT IS HEREBY ORDERED:**

1. Plaintiff shall not be required to file its Opposition on April 21, 2017.
2. Defendants shall not be required to file their Reply on April 28, 2017.
3. Within ten (10) days of the filing of this stipulation, the parties will meet-and-

confer to attempt to agree upon a rescheduled hearing date for the Motion and a briefing schedule for the Opposition and Reply and, ~~if necessary~~, will submit to this Court for approval no later than April 26, 2017.

IT IS SO ORDERED.

DATED: April 18, 2017



THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE