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15 Attorneys for Defendants
16 PASSPORT CAPITAL, LLC,
17 PASSPORT HOLDINGS, LLC,
18 PASSPORT SPECIAL OPPORTUNITIES MASTER FUND, L.P., and
19 JOHN H. BURBANK III.

20 UNITED STATES DISTRICT COURT
21 NORTHERN DISTRICT OF CALIFORNIA

22 TODD HAKIMI,

23 Plaintiff,

24 v.

25 PASSPORT CAPITAL, LLC,
26 PASSPORT HOLDINGS, LLC,
27 PASSPORT SPECIAL
28 OPPORTUNITIES MASTER FUND,
L.P., and JOHN H. BURBANK III,

Defendants,

and

HORTONWORKS, INC.,

Nominal Defendant.

Case No. 3:17-cv-02448-WHA

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

1 IT IS HEREBY STIPULATED by and between Plaintiff TODD HAKIMI ("Plaintiff"),
2 through his attorneys of record, Defendants PASSPORT CAPITAL, LLC, PASSPORT
3 HOLDINGS, LLC, PASSPORT SPECIAL OPPORTUNITIES MASTER FUND, L.P., and
4 JOHN H. BURBANK III, and Nominal Defendant HORTONWORKS, INC. (collectively
5 referred to as the "Parties"), through their attorneys of record, as follows:

6 WHEREAS, the Parties filed a Stipulation and Proposed Scheduling Order on July 13,
7 2017 (Dkt. No. 22) (the "Proposed Order") requesting that the Court approve an enlarged briefing
8 schedule and modified deadlines;

9 WHEREAS, on July 14, 2017 the Court issued an Order denying the Proposed Order
10 (Dkt. No. 26) (the "Order") noting that, "[i]f, pursuant to Civil Local Rule 6-1(a), the parties
11 stipulate to enlarge the time within which to respond to the complaint, their briefing schedule
12 shall comply with Civil Local Rules 7-2 and 7-3";

13 WHEREAS, the Parties submit this Amended Stipulation and Proposed Order amending
14 the proposed briefing schedule to comply with Civil Local Rules 7-2 and 7-3;

15 WHEREAS, all defendants other than nominal defendant Hortonworks, Inc. (the "Moving
16 Defendants") anticipate filing a motion to dismiss the Complaint (the "Motion") and the Parties
17 anticipate briefing with respect to the Motion;

18 WHEREAS, the deadline for the Moving Defendants to bring the Motion is July 17, 2017,
19 which is the original deadline that has not yet been extended or modified;

20 WHEREAS, certain parties are engaged in settlement discussions which may bring
21 resolution to this matter and obviate the need for the Motion or further litigation;

22 NOW, THEREFORE, the Parties have agreed, subject to Court approval, to the following
23 deadlines:


- 24 1. The Moving Defendants shall move to dismiss the Complaint by **August 31, 2017**;
- 25 2. Plaintiff shall file any opposition by **September 14, 2017**, and the Moving
26 Defendants shall file any reply by **September 21, 2017**.
- 27 3. Nominal defendant Hortonworks, Inc. shall not be required to answer, move or
28

1 the motion to dismiss
2 otherwise respond to the Complaint until ~~any Motion~~ brought by the Moving Defendants is
3 resolved and the deadline shall be on the first day that any Moving Defendant is thereafter
4 required to answer or otherwise respond to the Complaint.

5 The Parties respectfully request that the Court approve the schedule set forth above.

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7 PURSUANT TO STIPULATION IT IS SO ORDERED.

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9 Dated: July 14, 2017.

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11 William Alsup
12 UNITED STATES DISTRICT JUDGE
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1 Dated: July 14, 2017

SCHULTE ROTH & ZABEL LLP

2 /s/ Minji Reem

3 Minji Reem
4 Attorneys for Defendants
5 PASSPORT CAPITAL, LLC, PASSPORT
6 HOLDINGS, LLC, PASSPORT SPECIAL
OPPORTUNITIES MASTER FUND, L.P., and JOHN
H. BURBANK III.

7 Dated: July 14, 2017

GLENN OSTRAGER

8 /s/ Glenn Ostrager

9 Glenn Ostrager
10 Attorney for Plaintiff
TODD HAKIMI

11 Dated: July 14, 2017

MORRISON & FOERSTER LLP

12 /s/ Anna E. White

13 Anna E. White
14 Attorneys for Defendant
HORTONWORKS, INC.

15 I, Minji Reem, am the ECF User whose ID and password are being used to file this Stipulation.
16 In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that I have on file the concurrences
for any signatures indicated by a "conformed" signature (/s/) within this e-filed document.

17 Dated: July 14, 2017

/s/ Minji Reem

18 Minji Reem