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*State Controller John Chiang and*  
 8 *State Treasurer Bill Lockyer*

9  
 10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13  
 14 **NANCY BAIRD, on behalf of herself and all**  
**others similarly situated,**

4:09-cv-03482-CW

15 Plaintiff,

**STIPULATION AND ORDER  
 WITHDRAWING MOTION TO  
 DISMISS, GRANTING EXTENSION OF  
 TIME TO RESPOND TO FIRST  
 AMENDED COMPLAINT, AND  
 RESCHEDULING CASE  
 MANAGEMENT CONFERENCE**

16 v.

17  
 18 **JOHN CHIANG, in his official capacity as**  
**State Controller of the State of California,**  
 19 **and WILLIAM LOCKYER, in his official**  
**capacity as Treasurer of the State of**  
 20 **California,**

Judge Claudia Wilken  
 Trial Date None  
 Action Filed: July 29, 2009

21 Defendants.

22  
 23 WHEREAS Plaintiff has responded to Defendants' Motion to Dismiss by filing a First  
 24 Amended Complaint, pursuant to Local Rules 6-1 and 6-2 and based on the facts in the  
 25 accompanying Declaration of Tamar Pachter, the parties stipulate as follows:

26 1. Defendants State Controller John Chiang and State Treasurer Bill Lockyer withdraw  
 27 their motion to dismiss the Complaint, currently scheduled for hearing on November 19, 2009,  
 28 without prejudice.

1           2. Defendants shall have until December 10, 2009 to respond to the First Amended  
2 Complaint, filed October 29, 2009.

3           3. The case management and scheduling conference currently scheduled for December  
4 22, 2009 and related deadlines for filing a discovery plan and joint case management statement  
5 under Fed.R.Civ.P. 26(f) and Local Rule 16-9 are vacated and rescheduled for April 13, 2010, at  
6 2:00 p.m. The parties shall file a discovery plan fourteen (14) days prior to the case management  
7 and scheduling conference, and shall file a joint case management statement seven (7) days prior  
8 to the case management and scheduling conference.

9 Dated: November 2, 2009

Respectfully submitted,

10 EDMUND G. BROWN JR.  
11 Attorney General of California  
12 CONSTANCE L. LELouis  
13 Supervising Deputy Attorney General

14 /s/  
15 TAMAR PACTHER  
16 Deputy Attorney General  
17 *Attorneys for Defendants*

18 Dated: November 2, 2009

19 /s/ \_\_\_\_\_  
20 WILLIAM M. AUDET  
21 Attorney at Law  
22 *Attorney for Plaintiff*

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24  
25 Dated: November 4, 2009



26 HON. CLAUDIA WILKEN  
27 UNITED STATES DISTRICT JUDGE

28 SA2009101967  
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