

1 Complaint and Plaintiffs' Motion for Class Certification, and continuing the mediation deadline
2 (ECF No. 87);

3 WHEREAS the parties now agree to extend the deadline for Plaintiff to file the Second
4 Amended Complaint, modify the briefing schedule for Defendants' Motion(s) to Dismiss the
5 Second Amended Complaint, and continue the mediation deadline;

6 WHEREAS on October 6, 2011, the parties to the *In re Del Monte Foods Co. S'holder*
7 *Litig.*, Consolidated C.A. No. 6027-VCL (Del. Ch.), filed a Stipulation and Agreement of
8 Compromise and Settlement that seeks to certify a proposed settlement class as a non opt-out
9 class pursuant to Court of Chancery Rules 23(a), 23(b)(1) and 23(b)(2) and purports to release all
10 putative class claims arising out of the acquisition of Del Monte Foods Company on March 8,
11 2011, including Plaintiff's claims in this action;

12 WHEREAS the parties to the Delaware Action seek a final approval hearing on the
13 proposed settlement in the Court of Chancery on December 1, 2011;

14 WHEREAS it is Plaintiff's position that it needs additional time to consider the effect of
15 the proposed settlement of the Delaware Litigation in this action;

16 WHEREAS Defendants reserve the right to move to stay this action in light of the
17 proposed settlement of the Delaware Litigation;

18 WHEREAS pursuant to stipulation by the parties, the Court previously modified the
19 briefing schedule on Defendants' Motions to Dismiss the First Amended Complaint (ECF No.
20 75), and the Court previously modified the deadline for Plaintiff to file the Second Amended
21 Complaint, the briefing schedule for Defendants' Motion(s) to Dismiss the Second Amended
22 Complaint, and the briefing schedule for Plaintiffs' Motion for Class Certification (ECF No. 87);

23 WHEREAS pending a ruling from the Court on Defendants' anticipated Motion(s) to
24 Dismiss the Second Amended Complaint, the time modification does not presently impact the
25 remaining schedule set out in the Case Management Order;

26 IT IS HEREBY STIPULATED THAT:

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28 STIPULATED ~~PROPOSED~~ ORDER EXTENDING DEADLINES, BRIEFING SCHEDULE AND
HEARING DATE – No. 11-CV-01064-CW

1 1. The deadline for Plaintiff to file the Second Amended Complaint shall now be
2 December 8, 2011.

3 2. Defendants' Motion(s) to Dismiss the Second Amended Complaint shall be due
4 on January 26, 2012; Plaintiff's opposition brief shall be due on February 23, 2012; and
5 Defendants' reply brief(s) shall be due on March 8, 2012.

6 3. The hearing date for Defendants' Motion(s) to Dismiss the Second Amended
7 Complaint shall now be March 22, 2012 at 2 p.m.

8 4. The mediation deadline shall now be April 30, 2012.

9 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

10 DATED: October 11, 2011

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20 By /s/ James F. Basile
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23 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 DATED: 10/12/2011


The Hon. Claudia Wilken
United States District Judge

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Christopher M. Burke, attest that concurrence in the filing of this document has been obtained from the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 11th day of October, 2011 at San Diego, California.

DATED: October 11, 2011

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