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10 Attorneys for Defendants

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 Charles Baird and Lauren Slayton, as
 15 individuals, and on behalf of all others
 16 similarly situated, and on behalf of the
 BlackRock Retirement Savings Plan,
 17
 Plaintiffs,
 18
 v.
 19 BlackRock Institutional Trust Company, N.A.
 et al.,
 20
 Defendants.
 21

Case No. 17-cv-01892-HSG

**STIPULATION AND ORDER TO
 ENLARGE DATE TO FILE A
 DECLARATION IN SUPPORT OF
 PLAINTIFFS' ADMINISTRATIVE
 MOTION TO FILE UNDER SEAL**

**[Declarations of Michael J. McCarthy
 Filed Concurrently Herewith]**

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1 Pursuant to Northern District of California Local Rules 6-1 and 6-2, Plaintiffs Charles
2 Baird and Lauren Slayton (collectively, “Plaintiffs”), and Defendants Anne Ackerley, BlackRock
3 Institutional Trust Company, N.A., Blackrock, Inc., Catherine Bolz, Chip Castille, Paige Dickow,
4 Daniel A. Dunay, Any Engel, Nancy Everett, Joseph Feliciani, Jr., Michael Fredericks, Corin
5 Frost, Daniel Gamba, Kevin Holt, Chris Jones, Philippe Matsumoto, John Perlowski, Ann Marie
6 Petach, Andy Phillips, Kurt Schansinger, Tom Skrobe, Jeffrey A. Smith, the BlackRock, Inc.
7 Retirement Committee, and the Investment Committee of the Retirement Committee
8 (collectively, “Defendants”), by and through their respective counsel, stipulate and agree to the
9 following:

10 1. On July 16, 2018, Plaintiffs filed their Administrative Motion to File Under Seal
11 Portions of the Memorandum in Support of Plaintiffs’ Motion for Leave to File a Second
12 Amended Complaint, Portions of the Declaration of Michelle C. Yau in Support of Plaintiffs’
13 Motion, Portions of Exhibit A, and All of Exhibits B–G (“Motion”). ECF No. 133. The Motion
14 seeks to file under seal material that Defendants designated “CONFIDENTIAL” under the
15 Stipulated Protective Order governing this case. *See* ECF No. 76.

16 2. Local Civil Rule 79-5(e)(1) specifies as follows: “Within 4 days of the filing of the
17 Administrative Motion to File Under Seal, the Designating Party must file a declaration as
18 required by subsection 79-5(d)(1)(A) establishing that all of the designated material is sealable.”

19 3. Defendants have worked diligently to obtain declarations from two declarants in
20 support of Plaintiffs’ Motion, which together establish that all the designated material is sealable.
21 Declaration of Michael J. McCarthy in Support of Stipulation to Enlarge Time ¶ 4. However,
22 Defendants unexpectedly have been able to obtain an executed declaration from only one of the
23 two declarants. *Id.* As a result, Defendants are unable at this time to file the supporting
24 declarations by the deadline specified in Local Civil Rule 79-5(e)(1). *Id.* Defendants anticipate
25 that they will be able to file both declarations on Monday, July 23, 2018. *Id.*

26 4. The previous time modifications in the case are as follows:

27 a. On August 3, 2017, the Court entered a stipulated case management order
28 that departed somewhat from the guidelines specified by the Court during a case

1 management conference on July 12, 2017, by setting, among other deadlines, the close of
2 discovery on March 9, 2018; the close of expert discovery on June 8; and a hearing on
3 Plaintiffs' class certification motion on August 16, 2018. ECF No. 62.

4 b. On February 20, 2018, the Court entered a stipulated order modifying the
5 case schedule by setting, among other dates, the close of fact discovery (with limited
6 specified exceptions) on June 22, 2018; the close of expert discovery on class issues on
7 August 31, 2018; and the completion of briefing on Plaintiffs' motion for class
8 certification on October 30, 2018. ECF No. 103.

9 c. On June 18, 2018, the Court entered a stipulated order modifying the case
10 schedule by setting, among other dates, the close of fact discovery (excluding discovery
11 allowed by the Court related to one of the pending discovery disputes) on September 21,
12 2018; the close of expert discovery on class issues on December 21, 2018; and the
13 completion of briefing on Plaintiffs' motion for class certification on March 14, 2019.
14 ECF No. 122.

15 d. In addition to these stipulated scheduling orders, there have been six other
16 time adjustments in this matter, all relating to the motions to dismiss the original and
17 amended complaints. ECF Nos. 28, 38, 48, 55, 82, 88.

18 5. In light of the foregoing, the Parties have agreed to stipulate to extend the time to
19 file a declaration in support of Plaintiffs' Motion by a single court day, to June 23, 2018. The
20 requested extension will have no impact on the schedule of the case.

21
22 Dated: June 20, 2018

23 **COHEN MILSTEIN SELLERS & TOLL,**
24 **PLLC**

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Gamba, Kevin Holt, Chris Jones, Philippe
Matsumoto, John Perlowski, Ann Marie
Petach, Andy Phillips, Kurt Schansinger,
Tom Skrobe, Jeffrey A. Smith, the
BlackRock, Inc. Retirement Committee, and
the Investment Committee of the Retirement
Committee

20 **ATTESTATION**

21 I attest that for all conformed signatures indicated by an “/s/,” the signatory has concurred
22 in the filing of this document.


23 Dated: July 20, 2018

24 By: /s/ Meaghan VerGow
25 Meaghan VerGow

26 **ORDER**

27 PURSUANT TO THE STIPULATION, IT IS SO ORDERED: The deadline for
28 Defendants to file declarations in support of Plaintiffs’ Motion pursuant to Civil Local Rule 79(d)
shall be enlarged by one court day to July 23, 2018.

Dated: July 23, 2018


Haywood S. Gilliam, Jr.
U.S. District Court for the
Northern District of California