Todd Jackson (Cal. Bar No. 202598) Michelle C. Yau (admitted *Pro Hac Vice*) 1 Nina Wasow (Cal. Bar No. 242047) Mary J. Bortscheller (admitted *Pro Hac Vice*) Daniel R. Sutter (admitted *Pro Hac Vice*) FEINBERG, JACKSON, WORTHMAN 2 COHEN MILSTEIN SELLERS & TOLL PLLC & WASOW, LLP 3 1100 New York Ave. NW • Fifth Floor 2030 Addison Street • Suite 500 Washington, DC 20005 Berkeley, CA 94704 4 Telephone: (202) 408-4600 Telephone: (510) 269-7998 Fax: (202) 408-4699 Fax: (510) 269-7994 5 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 OAKLAND DIVISION 10 Charles Baird et al., Case No: 4:17-cv-01892-HSG 11 Plaintiffs, STIPULATION AND ORDER TO MODIFY 12 THE BRIEFING SCHEDULE FOR MOTIONS TO DISMISS THE SECOND AMENDED 13 **COMPLAINT** BlackRock Institutional Trust Company, 14 N.A., et al., 15 Defendants. 16 17 Pursuant to Northern District of California Local Rule 6-2, Plaintiffs Charles Baird and 18 Lauren Slayton, Defendants BlackRock Institutional Trust Company, N.A., Blackrock, Inc., the 19 BlackRock, Inc. Retirement Committee, the Investment Committee of the Retirement Committee, 20 the Administrative Committee of the Retirement Committee, the Management Development & 21 Compensation Committee, Anne Ackerley, Catherine Bolz, Chip Castille, Marc Comerchero, Paige 22 Dickow, Daniel A. Dunay, Any Engel, Nancy Everett, Joseph Feliciani, Jr., Michael Fredericks, 23 Corin Frost, Daniel Gamba, Kevin Holt, Chris Jones, Milan Lint, Philippe Matsumoto, Katherine 24 Nedl, John Perlowski, Ann Marie Petach, Andy Phillips, Kurt Schansinger, Tom Skrobe, and Jeffrey 25 A. Smith (collectively, "the BlackRock Defendants"), and Mercer Investment Consulting ("Mercer", 26 and together with the BlackRock Defendants, "Defendants"), by and through their respective 27 counsel, stipulate and agree to the following: 28 Case No: 4:17-cv-01892-HSG: Stipulation to Modify Briefing Schedule for Motions to Dismiss the Second Amended Complaint Page 1 of 6

Dockets.Justia com

- On August 27, 2018, with leave of Court, Plaintiffs filed a Second Amended Class Action Complaint (hereinafter "Complaint"), naming additional parties as Defendants, including Mercer. ECF No. 154.
- 2. The BlackRock Defendants intend to file a motion to dismiss the Complaint. Yau Decl. $\P 2$. Mercer also intends to file a separate full-length motion to dismiss the Complaint. *Id*.
- 3. The original deadline for the previously named BlackRock Defendants to answer the Complaint was September 10, 2018. *Id.* \P 3.
- 4. On September 10, 2018, Plaintiffs and the BlackRock Defendants filed a joint stipulation and proposed order that the deadline for the BlackRock Defendants to respond to the Complaint would be October 22, 2018. ECF No. 159.
- 5. On September 17, 2018, the Parties filed a joint stipulation proposing a briefing schedule for all motions to dismiss and related requests for judicial notice, as set forth below. ECF No. 161. The joint stipulation also proposed deadlines for the case management schedule. *Id.* The Court entered case management deadlines on October 11, 2018 (ECF No. 173), but did not address the briefing schedule for motions to dismiss the Complaint.
- 6. In addition to the stipulated orders entered by the Court on February 20, 2018 and June 18, 2018, there have been nine other time adjustments in this matter. Six adjustments have concerned the motions to dismiss the original and amended complaints. ECF Nos. 28, 38, 48, 55, 82, 88. Two adjustments have concerned the briefing schedule on Plaintiffs' Motion for Leave to File Second Amended Complaint. ECF Nos. 139, 146. *See also* Yau Decl. ¶ 8.
 - 7. The Parties therefore stipulate and agree to the following modified case schedule:

Event	Deadline
Deadline for Defendants to file motions to dismiss and any related requests for judicial notice	Oct. 22, 2018
Deadline for Plaintiffs to file oppositions to the motions to dismiss	Dec. 21, 2018

¹ A declaration from Michelle C. Yau, setting forth the reasons for the Parties' request, is attached hereto as Exhibit A.

Case No: 4:17-cv-01892-HSG: Stipulation to Modify Briefing Schedule for Motions to Dismiss the Second Amended Complaint

Page 2 of 6

1	Deadline for Plaintiffs to oppose any related r judicial notice	equests for Dec. 28, 2018
3	Deadline for Defendants to file replies in supp to dismiss	port of motions Jan. 18, 2019
4	Deadline for Defendants to file replies in supp for judicial notice	port of requests Jan. 25, 2019
5	Dated: October 15, 2018	
7	COHEN MILSTEIN SELLERS & TOLL, PLLC	O'MELVENY & MYERS LLP
8	/s/ Michelle C. Yau Michelle C. Yau	<u>/s/ Meaghan VerGow</u> Meaghan VerGow
10	Michelle C. Yau (admitted <i>Pro Hac Vice</i>) Mary J. Bortscheller (admitted <i>Pro Hac Vice</i>)	Meaghan VerGow (admitted <i>Pro Hac Vice</i>) Brian Boyle (Cal. Bar No. 126576)
11	Daniel R. Sutter (admitted <i>Pro Hac Vice</i>) 1100 New York Avenue, N.W.	Michael J. McCarthy 1625 Eye Street, N.W.
12	Suite 500, West Tower Washington, D.C. 20005	Washington, D.C. 20006 Tel: (202) 383-5504 Fax: (202) 383-5414
13 14	Tel: (202) 408-4600 Fax: (202) 408-4699	mvergow@omm.com bboyle@omm.com
	khandorf@cohenmilstein.com	mmcarthy@omm.com
15 16	myau@cohenmilstein.com jhorwitz@cohenmilstein.com	Randall W. Edwards (Cal. Bar No. 179053) Adam M. Kaplan (Cal. Bar No. 298077)
17	FEINBERG, JACKSON, WORTHMAN & WASOW, LLP	Two Embarcadero Center, 28th Floor San Francisco, CA 94111-3823
18	Nina Wasow (Cal. Bar No. 242047) Todd Jackson (Cal. Bar No. 202598)	Tel: (415) 984-8700 Fax: (415) 984-8701
19	2030 Addison Street, Suite 500 Berkeley, CA 94704	redwards@omm.com <u>akaplan@omm.com</u>
20	Tel: (510) 269-7998 Fax: (510) 269-7994	Attorneys for the Blackrock Defendants
21	nina@feinbergjackson.com todd@feinbergjackson.com	MORGAN, LEWIS, & BOCKIUS /s/ Matthew A. Russell
22	Attorneys for Plaintiffs	Spencer H. Wan (CA Bar No. 304329)
23	Thiomeys for Trumings	One Market, Spear Street Tower San Francisco, CA 94105
24		Tel: 415.442.1126 Fax: 415.442.1001
25		specner.wan@morganlewis.com
26		Brian T. Ortelere (<i>pro hac vice</i>) 1701 Market Street
27		Philadelphia, PA 19103 Tel: (215) 963-5150
28		Fax: (215) 963-5001 brian.ortelere@morganlewis.com

Case No: 4:17-cv-01892-HSG: Stipulation to Modify Briefing Schedule for Motions to Dismiss the Second Amended Complaint

Page 3 of 6

Matthew A. Russell (*pro hac vice*) 77 West Wacker Drive Chicago, IL 60601 Tel: (312) 324-1771 Fax: (312) 324-1001 matthew.russell@morganlewis.com Attorneys for Mercer Investment Consulting

Case No: 4:17-cv-01892-HSG: Stipulation to Modify Briefing Schedule for Motions to Dismiss the Second Amended Complaint

Page 4 of 6

1	ATTESTATION		
2	I attest that for all conformed signatures indicated by an "/s/," the signatory has concurred in		
3	the filing of this document.		
4	Dated: October 17, 2018 By: <u>/s/Michelle C. Yau</u>		
5	Michelle C. Yau		
6			
7			
8			
9	ORDER		
10	PURSUANT TO THE STIPULATION, IT IS SO ORDERED: the above Stipulation and		
11	Proposed Order to Modify the Case Schedule is approved and all parties shall comply with its		
12	provisions.		
13			
14	Dated: October 17, 2018 Harwood S. Juli		
15	U.S. District Court for the		
16	Northern District of California		
17			
18			
19			
2021			
21			
23			
24			
25			
26			
27			
_ ,	II		

Case No: 4:17-cv-01892-HSG: Stipulation to Modify Briefing Schedule for Motions to Dismiss the Second Amended Complaint Page 5 of 6

28