

1 Michelle C. Yau (admitted *Pro Hac Vice*)
 2 Mary J. Bortscheller (admitted *Pro Hac Vice*)
 3 Daniel Sutter (admitted *Pro Hac Vice*)
 4 COHEN MILSTEIN SELLERS & TOLL PLLC
 5 1100 New York Ave. NW • Fifth Floor
 6 Washington, DC 20005
 7 Telephone: (202) 408-4600
 8 Fax: (202) 408-4699

Todd Jackson (Cal. Bar No. 202598)
 Nina Wasow (Cal. Bar No. 242047)
 FEINBERG, JACKSON, WORTHMAN &
 WASOW, LLP
 2030 Addison St. • Suite 500
 Berkeley, CA 94704
 Telephone: (510) 269-7998
 Fax: (510) 269-7994

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

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

Case No: 4:17-cv-01892-HSG

**STIPULATION AND ORDER TO MODIFY
 TIME TO RESPOND TO
 ADMINISTRATIVE MOTIONS TO FILE
 UNDER SEAL**

19 Pursuant to N.D. Cal. Civil Local Rule 6-2, parties in the above captioned matter by and
 20 through their respective counsel, stipulate and agree to the following:

- 22 1. WHEREAS, on September 24, 2020, the parties filed, among other documents,
 23 administrative motions to file under seal motions for summary judgment and supporting exhibits.
 24 *E.g.*, ECF Nos. 378 and 384.
- 25 2. WHEREAS, the documents the parties seek to file under seal contain information
 26 designated as confidential and subject to a protective order. *Id.*
- 27 3. WHEREAS, N.D. Cal. Civil Local Rule 79-5(e)(1) provides that, “[w]ithin 4 days of
 28 the filing of the Administrative Motion to File Under Seal, the Designating Party must file a

1 declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated material is
2 sealable.”

3 4. WHEREAS, on September 28, 2020 Plaintiffs requested, and Defendants agreed to, a
4 seven day extension of time by which such Designating Parties may file declarations supporting the
5 sealing of documents. Plaintiffs sought an extension time at the request of Finadium, a non-party to
6 this litigation whose confidential information was included in Plaintiffs’ exhibits filed under seal.

7 5. WHEREAS, the Parties have not previously requested an extension of time with
8 respect to the time to respond to the instant administrative motions to file under seal.

9 6. WHEREAS, the requested modification would have no effect on the case schedule.

10 7. WHEREAS, the previous time modifications in the case are as follows:

11 a. The parties have previously stipulated to modifications to the case schedule on
12 August 3, 2017, ECF No. 62; February 20, 2018, ECF No. 103, June 18, 2018,
13 ECF No. 122; and January 1, 2019, ECF No. 236; February 5, 2019, ECF No. 250;
14 and June 16, 2020, ECF No. 375.

15 b. In addition to these stipulated scheduling orders, there have been eight other time
16 adjustments in this matter. Six related to the motions to dismiss the original and
17 first amended complaint. ECF Nos. 28, 38, 48, 55, 82, 88. Two related to the
18 briefing schedule on the plaintiffs’ Motion for Leave to File Second Amended
19 Complaint. ECF Nos. 139, 146.

20 8. A declaration from Daniel R. Sutter, setting forth the reasons for the parties’ request,
21 is attached hereto as Exhibit A.

22
23 Respectfully submitted,

24 Dated: September 28, 2020

25
26 **COHEN MILSTEIN SELLERS & TOLL, PI**

O’MELVENY & MYERS LLP

27 /s/ Michelle C. Yau
Michelle C. Yau (admitted *Pro Hac Vice*)

/s/Meaghan VerGow
Meaghan VerGow (admitted *Pro Hac Vice*)

1 Michelle C. Yau (admitted *Pro Hac Vice*)
2 Mary J. Bortscheller (admitted *Pro Hac Vice*)
3 Daniel R. Sutter (admitted *Pro Hac Vice*)
4 1100 New York Avenue, N.W.
5 Suite 500, West Tower
6 Washington, D.C. 20005
7 Tel: (202) 408-4600
8 Fax: (202) 408-4699
9 myau@cohenmilstein.com
10 mbortscheller@cohenmilstein.com
11 dsutter@cohenmilstein.com

8 **FEINBERG, JACKSON, WORTHMAN &
9 WASOW, LLP**

9 Nina Wasow (Cal. Bar No. 242047)
10 Todd Jackson (Cal. Bar No. 202598)
11 383 4th Street
12 Suite 201
13 Oakland, CA 94607
14 Tel: (510) 269-7998
15 Fax: (510) 269-7994
16 nina@feinbergjackson.com
17 todd@feinbergjackson.com

14 *Attorneys for Plaintiffs*

Meaghan VerGow (admitted *Pro Hac Vice*)
Brian Boyle (Cal. Bar No. 126576)
1625 Eye Street, N.W.
Washington, D.C. 20006
Tel: (202) 383-5504
Fax: (202) 383-5414
mvergow@omm.com
bboyle@omm.com

Randall W. Edwards (Cal. Bar No. 179053)
Adam M. Kaplan (Cal. Bar No. 298077)
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3823
Tel: (415) 984-8700
Fax: (415) 984-8701
redwards@omm.com
akaplan@omm.com


Attorneys for Defendants

17 **ORDER**

18 PURSUANT TO THE STIPUATION, IT IS SO ORDERED:

19 The deadline by which Designating Parties may file declarations supporting the parties'
20 administrative motions to file under seal shall be October 5, 2020.
21

22 Dated: 9/29/2020

23 
24 **Judge Haywood S. Gilliam, Jr.**
25 U.S. District Court for the
26 Northern District of California
27
28