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 BlackRock Institutional Trust Company, N.A.;
 8 BlackRock, Inc.; the BlackRock, Inc.
 Retirement Committee; Jason Herman; the
 9 Administrative Committee of the Retirement
 Committee; and the Investment Committee of
 10 the Retirement Committee

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 Charles Baird, individually, and on behalf of all
 16 others similarly situated, and on behalf of the
 BlackRock Retirement Savings Plan,

Plaintiff,

v.

19 BlackRock Institutional Trust Company, N.A.;
 20 BlackRock, Inc.; The BlackRock, Inc.
 Retirement Committee; Jason Herman, named
 21 Plan Sponsor; John and Jane Does 1-40,
 Members of the BlackRock Retirement
 22 Committee; The Administrative Committee of
 the Retirement Committee; John and Jane Does
 23 1-20, Members of the Administrative
 Committee of the Retirement Committee; The
 24 Investment Committee of the Retirement
 Committee; John and Jane Does 21-40,
 25 Members of the Investment Committee of the
 Retirement Committee; each an individual, and
 26 John and Jane Does 41-60, each an individual,

Defendants.

Case No. 17-cv-01892-HSG

**STIPULATION OF DISMISSAL AND
 ORDER**

July 12, 2017

STIPULATION OF DISMISSAL AND
ORDER

1 WHEREAS, Counsel for Defendants have represented that Defendant Jason Herman did
2 not serve as a member of the BlackRock, Inc. Retirement Committee, the Administrative
3 Committee of the Retirement Committee, or the Investment Committee of the Retirement
4 Committee during the Class Period; and

5 WHEREAS, Counsel for Defendants have represented that Defendant Jason Herman did
6 not act in a fiduciary capacity with respect to the BlackRock Retirement Savings Plan during the
7 Class Period;

8 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff and Mr. Herman
9 through their designated counsel that the above-captioned action should be dismissed without
10 prejudice as to Mr. Herman pursuant to FRCP 41(a)(1)(A)(ii). The parties further stipulate that, if
11 discovery shows that Mr. Herman did in fact serve in a fiduciary capacity relative to the facts and
12 circumstances at issue in the case, Plaintiff reserves the right to re-name Mr. Herman as a
13 defendant.

14 IT IS SO STIPULATED.

15
16 Dated: July 11, 2017

17
18 **COHEN MILSTEIN SELLERS & TOLL, PLLC**

19 By:

20 /s/ Julia Horwitz
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Attorneys for Defendants

ATTESTATION

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

Dated: July 12, 2017

By: /s/ Julia Horwitz

Julia Horwitz

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ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED: this action is dismissed without prejudice as to Defendant Jason Herman. Plaintiff reserves the right to re-name Mr. Herman as a defendant if discovery shows that he did serve in a fiduciary capacity relative to the facts and circumstances of this case.

Dated: July 12, 2017


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