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

11 Charles Baird et al.,

12 Plaintiffs,

13 v.

14 BlackRock Institutional Trust Company,
15 N.A., et al.,

16 Defendants.

Case No: 17-cv-1892-HSG

**STIPULATION AND ORDER TO MODIFY
BRIEFING SCHEDULE ON PLAINTIFFS'
MOTION FOR RELIEF UNDER RULE 56(D)
AND RESET HEARING DATE**

17
18 Pursuant to Northern District of California Local Rule 6-2, Plaintiffs Charles Baird and
19 Lauren Slayton, and Defendants Anne Ackerley, BlackRock Institutional Trust Company, N.A.,
20 Blackrock, Inc., Catherine Bolz, Chip Castille, Paige Dickow, Daniel A. Dunay, Amy Engel, Nancy
21 Everett, Joseph Feliciani, Jr., Michael Fredericks, Corin Frost, Daniel Gamba, Kevin Holt, Chris
22 Jones, Philippe Matsumoto, John Perlowski, Ann Marie Petach, Andy Phillips, Kurt Schansinger,
23 Tom Skrobe, Jeffrey A. Smith, the BlackRock, Inc. Retirement Committee, and the Investment
24 Committee of the Retirement Committee (collectively, the "Defendants"), by and through their
25 respective counsel, stipulate and agree to the following:

- 26 1. On December 8, 2017, Plaintiffs filed a Motion for Relief Under Rule 56(d) ("Rule
27 56(d) Motion").
28 2. Pursuant to Local Rule 7-3, Defendants' response to the Rule 56(d) Motion is due on

1 December 22, 2017, and Plaintiffs' reply in support would be due on December 29,
2 2017. In light of the intervening Christmas holiday, the Parties have conferred and
3 agreed that Plaintiffs may have a brief extension of time, until January 4, 2017, to
4 reply. Bortscheller Decl. ¶¶ 3-4. The Parties have therefore stipulated and agreed to
5 the following briefing schedule for the Rule 56(d) Motion :

6 **December 22, 2017** Defendants' response due

7 **January 4, 2018** Plaintiffs' reply due

- 8
- 9 3. The Parties have also agreed that it is most efficient to argue Plaintiffs' Rule 56(d)
10 Motion and Defendants' pending Motion to Dismiss the Amended Class Action
11 Complaint on the same date. *Id.* ¶ 4.
- 12 4. In order to allow time to complete the briefing on the Rule 56(d) Motion and to align
13 the hearing on the two pending Motions, the Parties further have agreed that the
14 hearing on Defendants' Motion to Dismiss the Amended Complaint, which is
15 currently scheduled for January 11, 2018, should be postponed by one week.
- 16 5. The Parties have therefore stipulated and agreed that the hearing on Defendants'
17 Motion to Dismiss the Amended Complaint should be rescheduled for **January 18,**
18 **2018** at 2 p.m.
- 19 6. The parties have not requested any previous enlargement of time with respect to the
20 Motion for Relief Under Rule 56(d).
- 21 7. There have been five previous time adjustments in this matter, none of which affected
22 discovery or the trial date and each of which related to the motions to dismiss the
23 original complaint and the Amended Complaint, and the related hearing schedules.
24 (ECF Nos. 28, 38, 48, 55, 82).
- 25 8. A declaration from Mary J. Bortscheller, setting forth the reasons for the Parties'
26 request, is attached hereto as Exhibit A.
- 27
- 28

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2 Dated: December 13, 2017
3

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3 *Attorneys for Defendants*

4 **ATTESTATION**

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

7 Dated: December 13, 2017

By: /s/ Julia Horwitz

8 Julia Horwitz

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13 **ORDER**

14 PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

15 Defendants shall file any response to Plaintiffs’ Motion for Relief Under Rule 56(d) by
16 December 22, 2017. Plaintiffs shall file any reply by January 4, 2018. The hearing on Defendants’
17 Motion to Dismiss the Amended Complaint, which is currently scheduled for January 11, 2018, is
18 hereby rescheduled for January 25, 2018 at 2 p.m.

19
20 Dated: December 13, 2017

21 
22 Judge Haywood S. Gilliam, Jr.

23 U.S. District Court for the
24 Northern District of California