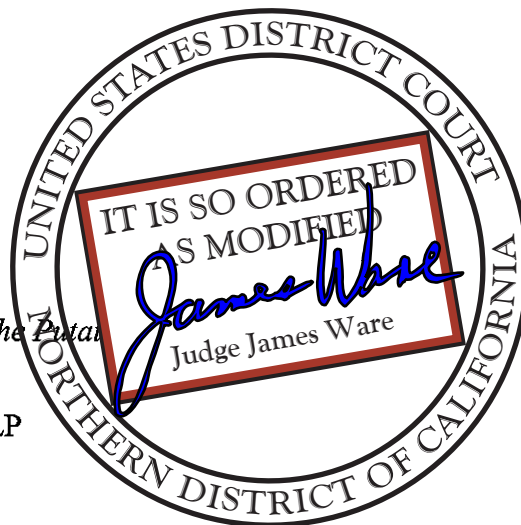


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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 THE NEW YORK CITY EMPLOYEES'
21 RETIREMENT SYSTEMS, *et al.*,

22 Plaintiffs,

23 v.

24 LISA C. BERRY,

25 Defendant.

26 No. C08-0246-JW

27 STIPULATION AND [PROPOSED] ORDER
28 SETTING BRIEFING SCHEDULE AND
PAGE LIMITS WITH RESPECT TO
RESPONSES TO LISA C. BERRY'S
MOTION TO DISMISS

DATE: January 12, 2009
TIME: 9:00 a.m.
COURTROOM: 8
BEFORE: Hon. James E. Ware

29 This Stipulation is entered into by and among Lead Plaintiff the New York City Pension
30 Funds and Defendant Lisa C. Berry, by and through their respective attorneys of record.

31 WHEREAS, pursuant to this Court's Order dated September 18, 2008, Defendant Lisa C.
32 Berry filed her Motion to Dismiss the Class Action Complaint on September 29, 2008;

1 WHEREAS, the parties have conferred and agreed to stipulate to an opposition and reply
2 briefing schedule, with a slightly longer page limit than that provided by Local Rule 7-4(b);

3 NOW, THEREFORE, the parties hereby stipulate, and request the court to order, as follows:

- 4 1. The New York City Pension Funds will file its Opposition Brief on November 15,
5 2008, and said brief will not exceed 35 pages in length;
6
7 2. Defendant will file her Reply Brief on December 9, 2008, and said brief will not
8 exceed 20 pages in length.

9 IT IS SO STIPULATED.

10
11 DATED: October 13, 2008.

12
13 BARBARA HART
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16 /s/ David C. Harrison
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Local Counsel

1 I, David Harrison, as the EFC user whose ID and password are being used to file this Stipulation
2 [Proposed] Order in compliance with General Order 54, X.B., hereby attest that Nancy E. Harris
3 has concurred in this filing.

4 MELINDA HAAG
5 JAMES N. KRAMER
6 NANCY E. HARRIS
7 ORRICK HERRINGTON & SUTCLIFFE LLP

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/s/ Nancy E. Harris
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Lead Counsel for Defendant Lisa C. Berry

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED BELOW:

In light of the Court's unavailability on January 12, 2009, the Court continues the hearing on Defendant's Motion to Dismiss to **February 9, 2009 at 9 a.m.**

DATED: December 4, 2008



THE HONORABLE JAMES WARE
UNITED STATES DISTRICT JUDGE