

1 Joseph J. Tabacco, Jr. (75484)
 jtabacco@bermandevalerio.com
 2 Christopher Heffelfinger (118058)
 cheffelfinger@bermandevalerio.com
 3 Anthony D. Phillips (259688)
 aPhillips@bermandevalerio.com
 4 **BERMAN DEVALERIO LLP**
 One California Street, Suite 900
 5 San Francisco, CA 94111
 Telephone: (415) 433-3200
 6 Facsimile: (415) 433-6382

7 *Attorneys for Plaintiff*
Northstar Financial Advisors, Inc.

8 [Additional Counsel Appear on Signature Page]
 9

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12

13 NORTHSTAR FINANCIAL ADVISORS,
 14 INC., on Behalf of Itself and All Others
 Similarly Situated,

15 Plaintiff,

16 v.

17 SCHWAB INVESTMENTS; and
 MARIANN BYERWALTER, DONALD F.
 18 DORWARD, WILLIAM A. HASLER,
 ROBERT G. HOLMES, GERALD B.
 19 SMITH, DONALD R. STEPHENS,
 MICHAEL W. WILSEY, CHARLES R.
 20 SCHWAB, RANDALL W. MERK,
 JOSEPH H. WENDER and JOHN F.
 21 COGAN as TRUSTEES OF SCHWAB
 INVESTMENTS; and CHARLES
 22 SCHWAB INVESTMENT
 MANAGEMENT, INC.,

23 Defendants.
 24

) Case No. C 08-04119 (LHK)

) CLASS ACTION

) **STIPULATION EXTENDING DATE TO**
) **FILE THIRD AMENDED COMPLAINT**
) **AND MODIFYING BRIEFING**
) **SCHEDULE**

25
 26
 27
 28 [C 08-04119 (LHK)] STIPULATION EXTENDING DATE TO FILE THIRD AMENDED COMPLAINT AND
 MODIFYING BRIEFING SCHEDULE

1 Plaintiff Northstar Financial Advisors, Inc. (“Northstar”) and defendants Schwab
2 Investments, Mariann Byerwalter, Donald F. Dorward, William A. Hasler, Robert G. Holmes,
3 Gerald B. Smith, Donald R. Stephens, Michael W. Wilsey, Charles R. Schwab, Randall W. Merk,
4 Joseph H. Wender and John F. Cogan as Trustees of Schwab Investments; and Charles Schwab
5 Investment Management, Inc. (“Defendants”), by and through their counsel, hereby jointly submit a
6 stipulated request for an order extending Northstar’s date to file the Third Amended Class Action
7 Complaint and to establish a briefing schedule for Defendants’ motion to dismiss that Complaint.
8

9 **RECITALS**

10 **WHEREAS**, on September 29, 2010, plaintiff filed its Second Amended Complaint
11 (“SAC”), and on November 10, 2011, Defendants filed their Motion to Dismiss the Second
12 Amended Complaint;

13 **WHEREAS**, on March 2, 2011, the Court issued its Corrected Order Granting in Part and
14 Denying in Part Defendants’ Motion to Dismiss the SAC [Docket #175] which, among other
15 matters, directed Plaintiff to file a Third Amended Complaint (“TAC”) by no later than March 22,
16 2011;

17 **WHEREAS**, counsel for defendants has requested a two-week extension to respond to the
18 TAC on briefing for scheduling reasons; and, in response, counsel for plaintiff has requested a one-
19 week extension within which to file its TAC;

20 **WHEREAS**, plaintiff shall file its TAC by no later than March 29, 2011, and counsel for
21 defendants will serve and file any response to the TAC by no later than April 25, 2011; and

22 **WHEREAS**, defendants Schwab Investments, Charles Schwab & Co., Inc., and Charles
23 Schwab Investment Management, Inc., through their prior counsel, have previously requested and
24 entered into two stipulations with counsel for plaintiff seeking to extend time [Docket Nos. 8 and
25 85]; and the parties mutually agreed to one scheduling stipulation [Docket # 121].
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

IT IS HEREBY STIPULATED, subject to the Court’s approval, by and between counsel for Northstar and Defendants:

1. The last day for Plaintiff to file its Third Amended Complaint is March 29, 2011; and
2. Defendants shall respond by no later than April 25, 2011.

Dated: March 18, 2011

Respectfully submitted,
BERMAN DEVALERIO

By: /s/ Christopher T. Heffelfinger
Christopher T. Heffelfinger

Joseph J. Tabacco, Jr.
Anthony D. Phillips
One California Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

Robert C. Finkel
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022
Telephone: (212) 759-4600
Facsimile: (212) 486-2093

Marc J. Gross
**GREENBAUM ROWE SMITH
& DAVIS LLP**
75 Livingston Street, Suite 301
Roseland, NJ 07068
Telephone: (973) 535-1600
Facsimile: (973) 535-1698

*Attorneys for Plaintiff Northstar Financial
Advisors, Inc.*

1 Dated: March 18, 2011

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

2
3
4 By: /s/ Karin Kramer
Karin Kramer

5 Patrick Doolittle
6 Arthur M. Roberts
7 50 California Street, 22nd Floor
8 San Francisco, CA 94111-4788
9 Telephone: (415) 875-6600
10 Facsimile: (415) 875-6700

11 Richard A. Schirtzer
12 **QUINN EMANUEL URQUHART &
13 SULLIVAN, LLP**

14 865 Figueroa Street, 10th Floor
15 Los Angeles, CA 90017
16 Telephone: (213) 443-3000
17 Facsimile: (213) 443-3100

18 *Attorneys for defendants Schwab Investments,
19 Mariann Byerwalter, Donald F. Dorward,
20 William A. Hasler, Robert G. Holmes, Gerald B.
21 Smith, Donald R. Stephens, Michael W. Wilsey,
22 Charles R. Schwab, Randall W. Merk, Joseph H.
23 Wender and John F. Cogan as Trustees of
24 Schwab Investments, and Charles Schwab
25 Investment Management, Inc.*

E-FILING ATTESTATION

18 Pursuant to General Order No. 45, Section X(B) regarding signatures, Christopher T.
19 Heffelfinger hereby attests that concurrence in the filing of this document has been obtained.

20
21 By: /s/ Christopher T. Heffelfinger
22 Christopher T. Heffelfinger

ORDER

23 Pursuant to stipulation, IT IS SO ORDERED.

24
25
26 Dated: March 21, 2011


27 HONORABLE LUCY KOH
28 UNITED STATES DISTRICT JUDGE