

1 John M. Newman, Jr. (State Bar No. 54220)  
2 [jmnewman@jonesday.com](mailto:jmnewman@jonesday.com)  
3 JONES DAY  
4 901 Lakeside Avenue  
5 Cleveland, Ohio 44114-1190  
6 Tel: (216) 586-7207  
7 Fax: (216) 579-0212

8 Attorneys for Defendants

J. Brian McTigue (State Bar No. 87224)  
[bmctigue@mctiguelaw.com](mailto:bmctigue@mctiguelaw.com)  
McTigue & Veis LLP  
4530 Wisconsin Avenue, N.W.  
Suite 300  
Washington, D.C. 20016  
Tel: (202) 364-6900  
Fax: (202) 364-9960

Attorneys for Plaintiffs

**\*E-FILED - 8/16/10\***

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 PATRIA L. NOBLEZA, JEROME F.  
13 HARBINSON, AND JOHN D. BURNS,

14 Plaintiffs,

15 v.

16 MACY'S, INC., MACY'S INC. PENSION  
17 AND PROFIT SHARING  
18 ADMINISTRATIVE COMMITTEE, THE  
19 MACY'S INC. BOARD OF DIRECTORS,  
20 KAREN M. HOGUET, DAVID W. CLARK,  
21 STEPHEN J. O'BRYAN, ROBERT G.  
22 ZIMMER, TERRY J. LUNDGREN, MEYER  
23 FELDBERG, SARA LEVINSON, JOSEPH  
24 NEUBAUER, JOSEPH A. PICHLER, JOYCE  
25 M. ROCHE, KARL M. VON DER HEYDEN,  
26 CRAIG E. WEATHERUP, MARNA C.  
27 WHITTINGTON, WILLIAM STIRITZ, DOE  
28 DIRECTOR DEFENDANTS NUMBER 1-25,  
DOE COMMITTEE DEFENDANTS  
NUMBER 1-25,

Defendants.

Case No. C 10-02064 RMW

**STIPULATION AND [XXXXXXXXXXXXX]  
ORDER REGARDING DEADLINES  
FOR OPPOSITION AND REPLY  
BRIEFS IN RESPONSE TO  
DEFENDANTS' MOTION TO  
DISMISS**

**Date:** October 1, 2010  
**Time:** 9:00 a.m.  
**Courtroom:** 6  
**Judge:** Hon. Ronald M. Whyte

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

The parties have conferred and stipulate to the following:

1. Defendants will file their motion to dismiss on July 19, 2010.

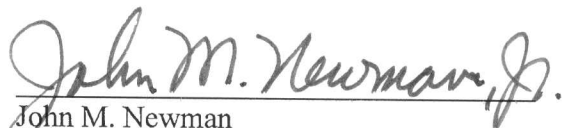
2. Based on prior discussion with Plaintiffs, when Defendants file their motion, they will set the motion for hearing on **October 1, 2010** at 9:00 am.

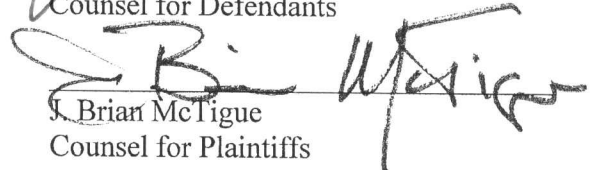
3. Because this hearing date allows for more than 35 days between the motion and the hearing, the Parties have agreed to a briefing schedule different from that required by Local Rule 7-3.

4. Plaintiffs will file their opposition to the motion to dismiss no later than August 20, 2010.

5. Defendants will file their reply in support of the motion to dismiss no later than September 10, 2010.

Date: July 19, 2010

  
\_\_\_\_\_  
John M. Newman  
Counsel for Defendants

  
\_\_\_\_\_  
J. Brian McFigue  
Counsel for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED:

  
\_\_\_\_\_  
Honorable Ronald M. Whyte

8/16/10  
\_\_\_\_\_  
Date