

1 JAMES E. LYONS (SBN 112582)
 2 RICHARD S. HORVATH, JR. (SBN 254681)
 3 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 4 Four Embarcadero Center, Suite 3800
 5 San Francisco, California 94111
 6 Telephone: (415) 984-6400
 7 Facsimile: (415) 984-2698

8 GARRETT J. WALTZER (State Bar No. 130764)
 9 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 10 525 University Avenue, Suite 1100
 11 Palo Alto, California 94301
 12 Telephone: (650) 470-4500
 13 Facsimile: (650) 470-4570

14 *Attorneys for Defendants*
 15 JOHN R. JOYCE and LUCILLE S. SALHANY

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

19 LOUIS LEVINE, Derivatively on Behalf of
 20 HEWLETT-PACKARD COMPANY,

21 Plaintiff,

22 vs.

23 MARC L. ANDREESSEN, LAWRENCE T.
 24 BABBIO, RAJIV L. GUPTA, JOHN H.
 25 HAMMERGREN, MARK V. HURD, JOEL
 26 Z. HYATT, JOHN R. JOYCE, ROBERT L.
 27 RYAN, LUCILLE S. SALHANY, and G.
 28 KENNEDY THOMPSON,

Defendants,

-and-

HEWLETT-PACKARD COMPANY,
 Nominal Defendant.

Civil Action No: 5:10-CV-3608-JW

Related Cases: 5:10-CV-3659-JW
 5:10-CV-3660-JW
 5:10-CV-3716-JW

STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME TO FILE RESPONSIVE PLEADING

Courtroom: Courtroom 8, 4th Floor
 Judge: Hon. James Ware

Trial Date: Not Yet Set

1 Plaintiff Louis Levine and Defendants John R. Joyce and Lucille S. Salhany stipulate as
2 follows:

3 WHEREAS, Plaintiff Levine filed his action captioned *Louis Levine v. Marc L. Andreessen,*
4 *et al.* (Case No. 5:10-CV-03608-JW) in this Court on August 16, 2010 (the "*Levine Action*");

5 WHEREAS, related actions captioned *Key West Police & Fire Pension Fund v. Marc L.*
6 *Andreessen, et al.* (Case No. 5:10-CV-03660-JW), *Teamsters Union Local #142 Pension Trust v.*
7 *Marc L. Andreessen, et al.* (Case No. 5:10-CV-03659-JW), and *Louisiana Municipal Police*
8 *Employees' Retirement System, et al.* (Case No. 5:10-CV-03716-JW) have been filed in this Court
9 (together with the *Levine Action*, the "Federal Actions");

10 WHEREAS, Defendant Salhany was served with process in the *Levine Action* on August
11 17, 2010;

12 WHEREAS, on August 27, 2010, Plaintiff Levine sent Waivers of Service to Defendants
13 Marc L. Andreessen, Lawrence T. Babbio, Rajiv L. Gupta, John H. Hammergren, Joel Z. Hyatt,
14 Robert L. Ryan, and G. Kennedy Thompson in the *Levine Action*;

15 WHEREAS, Defendants Andreessen, Babbio, Gupta, Hammergren, Hyatt, Ryan, and
16 Thompson signed and returned the Waivers of Service on August 31, 2010, requiring these
17 defendants to answer, move to dismiss, or otherwise respond to the complaint in the *Levine Action*
18 on October 26, 2010;

19 WHEREAS, Defendant Joyce was served with process in the *Levine Action* on September
20 16, 2010;

21 WHEREAS, the parties agree that Defendants Andreessen, Babbio, Gupta, Hammergren,
22 Hyatt, Joyce, Ryan, Salhany, and Thompson should have the same date to answer, move to dismiss,
23 or otherwise respond to the complaint in the *Levine Action*;

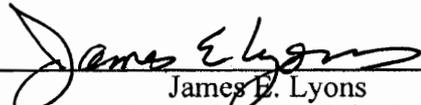
24 NOW, THEREFORE, the parties agree as follows:

25 1. Defendants John R. Joyce and Lucille S. Salhany shall answer, move to
26 dismiss, or otherwise respond to the complaint in the *Levine Action* on October 26, 2010.

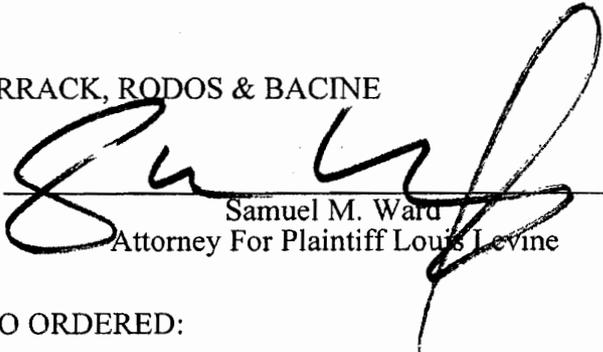
27 2. Defendants John R. Joyce and Lucille S. Salhany preserve their rights in the
28 *Levine Action* to object to that action for improper venue or lack of personal jurisdiction.

1 3. This stipulation is made without prejudice to the parties later agreeing to a
2 further stipulation extending the time to answer, move to dismiss, or otherwise respond to the
3 complaint in the *Levine* Action, and without prejudice to any party later seeking an order from the
4 Court consolidating the Federal Actions or seeking a new date to answer, move to dismiss, or
5 otherwise respond to a consolidated complaint in the Federal Actions.

6 DATED: October 6, 2010 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

7
8 By: 
9 James E. Lyons
10 Attorneys For Defendants John R. Joyce and
11 Lucille S. Salhany

11 DATED: October 6, 2010 BARRACK, RODOS & BACINE

12
13 By: 
14 Samuel M. Ward
15 Attorney For Plaintiff Louis Levine

15 PURSUANT TO STIPULATION, IT IS SO ORDERED:

16 Dated: October 8, 2010

17
18 
19 HON. JAMES WARE
20 UNITED STATES DISTRICT JUDGE
21 NORTHERN DISTRICT OF CALIFORNIA