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Attorneys for Defendants

11 MARC L. ANDREESSEN, LAWRENCE T.
 BABBIO, SARI M. BALDAUF, RAJIV L.
 12 GUPTA, JOHN H. HAMMERGREN, JOEL Z.
 HYATT, JOHN R. JOYCE, ROBERT L.
 13 RYAN, LUCILLE S. SALHANY, and
 G. KENNEDY THOMPSON

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

17 SAGINAW POLICE & FIRE PENSION FUND,)
 Derivatively on Behalf of HEWLETT-)
 18 PACKARD COMPANY,)

19 Plaintiff,

20 vs.

21 MARC L. ANDREESSEN, LAWRENCE T.)
 BABBIO, SARI M. BALDAUF, RAJIV L.)
 22 GUPTA, JOHN H. HAMMERGREN, MARK)
 V. HURD, JOEL Z. HYATT, JOHN R. JOYCE,)
 23 ROBERT L. RYAN, LUCILLE S. SALHANY,)
 and G. KENNEDY THOMPSON,)

24 Defendants,

25 -and-

26 HEWLETT-PACKARD COMPANY,

27 Nominal Defendant.)
28

Civil Action No: 5:10-CV-4720-LHK

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME TO FILE
 RESPONSE TO COMPLAINT AND TO
 ESTABLISH BRIEFING SCHEDULE**

Courtroom: Courtroom 4, 5th Floor

Judge: Hon. Lucy H. Koh

Trial Date: Not Yet Set

1 Plaintiff Saginaw Police & Fire Pension Fund ("Saginaw") and Defendants Marc L.
2 Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Mark V.
3 Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany and G. Kennedy Thompson
4 and Nominal Defendant Hewlett-Packard Company ("HP") stipulate as follows:

5 WHEREAS, Plaintiff Saginaw filed this action captioned *Saginaw Police & fire Pension*
6 *Fund v. Marc L. Andreessen, et al.* (Case No. 5:10-CV-4720-LHK) in this Court on October 19,
7 2010;

8 WHEREAS, Nominal Defendant HP was served with process in this action no later than
9 October 21, 2010;

10 WHEREAS, Defendant Salhany was served with process in this action on October 22, 2010;

11 WHEREAS, Defendants Gupta, Joyce, and Thompson were served with process in this
12 action on October 23, 2010;

13 WHEREAS, Defendants Hammergren and Hyatt were served with process in this action on
14 October 24, 2010;

15 WHEREAS, Defendant Babbio was served with process in this action on October 25, 2010;

16 WHEREAS, Defendants Andreessen, Baldauf, and Ryan signed and returned Waivers of
17 the Service of Summons on November 1, 2010, requiring these defendants to answer, move or
18 otherwise respond to the complaint in this action on December 28, 2010;

19 WHEREAS, Defendant Hurd signed and returned a Waiver of Service of Summons on
20 November 10, 2010, requiring Defendant Hurd to answer, move or otherwise respond to the
21 complaint in this action on December 28, 2010;

22 WHEREAS, the parties agree that Defendants Andreessen, Babbio, Baldauf, Gupta,
23 Hammergren, Hurd, Hyatt, Joyce, Ryan, Salhany, and Thompson and Nominal Defendant HP
24 should have the same date to answer, move or otherwise respond to the complaint in this action,
25 and that the parties should establish a briefing schedule for any motions filed in response to the
26 complaint in this action, taking into account the winter holidays;

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NOW, THEREFORE, the parties agree as follows:

1. Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany, and G. Kennedy Thompson and Nominal Defendant Hewlett-Packard Company shall answer, move or otherwise respond to the complaint in this action on January 13, 2011.

2. Plaintiff Saginaw Police & Fire Pension Fund shall file its opposition brief to any motion to dismiss, or any motion otherwise responding to, the complaint in this action on February 28, 2011.

3. Defendants Marc. L Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany, and G. Kennedy Thompson and Nominal Defendant Hewlett-Packard Company shall file any reply briefs in further support of any motion to dismiss, or any motion otherwise responding to, the complaint in this action on March 21, 2011.

4. Defendants Marc L. Andreessen, Lawrence T. Babbio, Sari M. Baldauf, Rajiv L. Gupta, John H. Hammergren, Mark V. Hurd, Joel Z. Hyatt, John R. Joyce, Robert L. Ryan, Lucille S. Salhany, and G. Kennedy Thompson preserve their rights to object to this action for improper venue or lack of personal jurisdiction.

1 DATED: November 10, 2010

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8 *Attorneys For Nominal Defendant Hewlett-Packard*
9 *Company*

10 DATED: November __, 2010

SCOTT + SCOTT LLP

11 By: _____
12 Mary K. Blasy

13 707 Broadway
14 Suite 1000
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17 Facsimile: (619) 233-0508

18 *Attorneys For Plaintiff Saginaw Police & Fire Pension*
19 *Fund*

20 PURSUANT TO STIPULATION, IT IS SO ORDERED:

21 Dated: _____, 2010

22 _____
23 HON. LUCY H. KOH
24 UNITED STATES DISTRICT JUDGE
25 NORTHERN DISTRICT OF CALIFORNIA

1 DATED: November __, 2010

MORGAN, LEWIS & BOCKIUS LLP

2

By: _____

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*Attorneys For Nominal Defendant Hewlett-Packard
Company*

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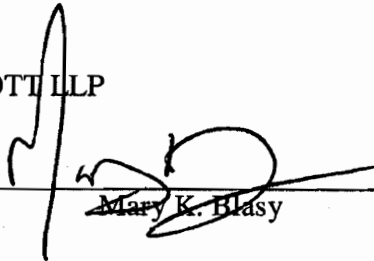
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9 DATED: November 19 2010

SCOTT + SCOTT LLP

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By: _____



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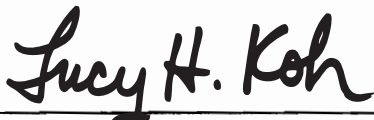
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18 PURSUANT TO STIPULATION, IT IS SO ORDERED:

19 Dated: November 12, 2010

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HON. LUCY H. KOH
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

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