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**** E-filed March 8, 2011 ****

6 Attorneys for Defendants
 7 Anne Stausboll, CEO, and Rob Feckner, President of
 8 the Board of Administration of the California Public
 Employees' Retirement System (CalPERS)

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

13 RICHARD R. LANE,

14 Plaintiff,

15 v.

16 ANNE STAUSBOLL, CEO, and ROB
 17 FECKNER, PRESIDENT of the BOARD
 OF ADMINISTRATION of the
 18 CALIFORNIA PUBLIC EMPLOYEES'
 RETIREMENT SYSTEM (CalPERS),

19 Defendants.

Case No. CV 10-5779 HRL

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE
 [N.D. Cal. L. R. 7-12; 16-2(e)]**

Magistrate Judge Howard R. Lloyd
 Courtroom: 2

1 Plaintiff RICHARD R. LANE ("Plaintiff") and Defendants ANNE STAUSBOLL, CEO,
2 and ROB FECKNER, President of the Board of Administration of the California Public
3 Employees' Retirement System (CalPERS) ("Defendants"), by and between their respective
4 attorneys of record, hereby stipulate as follows:

5 1. The hearing on Defendants' Motion to Dismiss Plaintiff's Complaint is scheduled
6 to be heard on MARCH 8, 2011.

7 2. This Court's Order Setting Initial Case Management Conference and ADR
8 Deadlines scheduled the Initial Case Management Conference for MARCH 22, 2011 and the
9 deadline to file the Initial Disclosures and Joint Case Management Statement for MARCH 15,
10 2011.

11 3. This Court's ruling on the Motion to Dismiss Plaintiff's Complaint may result in
12 the dismissal of this case, thus rendering all scheduled deadlines moot. Even if this Court were to
13 issue an order on the Motion to Dismiss from the bench at the MARCH 8, 2011 hearing, the
14 Parties would have only seven days within which to engage in meaningful meet and confer
15 discussions, and prepare their Initial Disclosures and Joint Case Management Statement.

16 4. A brief continuance of the Initial Case Management Conference to thirty (30) days
17 after this Court's ruling on Defendants' Motion to Dismiss, is necessary, because Plaintiff and
18 Defendants may have to expend unnecessary time and resources (including public funds by
19 CalPERS), to meet and confer, and prepare their Initial Disclosures and Joint Case Management
20 Statement.

21 5. A brief continuance of the Initial Case Management Conference to thirty (30) days
22 after this Court's ruling on Defendants' Motion to Dismiss, if such Conference is necessary, will
23 potentially preserve party resources and will result in no prejudice to any party.

24 6. Pursuant to Local Rules 7-12 and 16-2(e), the parties agree to a continuance of the
25 Initial Case Management Conference to a date at least thirty (30) days after this Court issues its
26 Order on Defendants' Motion to Dismiss Plaintiff's Complaint, or as soon thereafter as compatible
27 with this Court's case management calendar, if this Court does not dismiss the instant action.

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7. Pursuant to this Court's Order Setting Initial Case Management Conference and ADR Deadlines, all other deadlines, including Initial Disclosures and Joint Case Management Statement, will be continued accordingly.

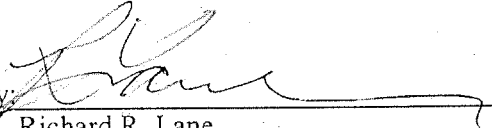
SO STIPULATED:

Dated: March 3, 2011

SHAW VALENZA LLP

By: s/D. Gregory Valenza
D. Gregory Valenza
Attorneys for Defendants
Anne Stausboll, CEO, and Rob Feckner,
President of the Board of Administration of
the California Public Employees'
Retirement System (CalPERS)

Dated: March 3, 2011

By: 
Richard R. Lane
Pro Se

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ORDER

Pursuant to the parties' Stipulation, and GOOD CAUSE APPEARING therefore:

IT IS HEREBY ORDERED that the Initial Case Management Conference in this matter
be and is hereby [CONTINUED to [**April 26** , 2011, at **1:30 p.m.**] ~~[VACATED and
shall be re-set at least thirty (30) days after this Court's issuance of an Order on Defendant's
Motion to Dismiss Plaintiff's Complaint if such Order does not dispose of this Action].~~

IT IS FURTHER ORDERED that all deadlines, including those for Initial Disclosures and
Joint Case Management Statement, are continued accordingly.

DATED: March 8, 2011


~~UNITED STATES MAGISTRATE JUDGE~~
HOWARD R. LLOYD
United States Magistrate Judge

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