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Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN JOSE DIVISION

15 IRON WORKERS LOCAL NO. 25 PENSION )	No. 11-cv-04604-PSG
16 FUND, Derivatively on Behalf of )	
17 MONOLITHIC POWER SYSTEMS, INC., )	STIPULATION AND <del>PROPOSED</del> ORDER
Plaintiff, )	REVISING BRIEFING SCHEDULE AND
18 vs. )	RESETTING THE INITIAL CASE
19 KAREN A. SMITH BOGART, et al., )	MANAGEMENT CONFERENCE
20 Defendants, )	
21 - and - )	
22 MONOLITHIC POWER SYSTEMS, INC., a )	
23 Delaware corporation, )	
Nominal Defendant. )	
24 _____ )	

1 Pursuant to Civil L.R. 16-2(e), Plaintiff Iron Workers Local No. 25 Pension Fund  
2 (“Plaintiff”) and Defendants Karen A. Smith Bogart, Herbert Chang, Victor K. Lee, Douglas  
3 McBurnie, James C. Moyer, Umesh Padval, Jeff Zhou, Michael R. Hsing, Deming Xiao, Maurice  
4 Sciammas, Paul Ueunten, C. Richard Neely, Jr. and First Niagara Financial Group, Inc., and  
5 Nominal Defendant Monolithic Power Systems, Inc. (collectively “Defendants” and, together with  
6 Plaintiff, the “Parties”) jointly submit this Stipulation and [Proposed] Order Revising Briefing  
7 Schedule and Resetting the Initial Case Management Conference.

8 Pursuant to Civil L. R. 6-2(a), this Stipulation is also supported by the Declaration of Benny  
9 C. Goodman III, filed herewith.

10 WHEREAS, Plaintiff filed the above-entitled action on September 16, 2011, alleging breach  
11 of fiduciary duty of loyalty, aiding and abetting and unjust enrichment;

12 WHEREAS, on October 20, 2011, the Parties filed a Stipulation and [Proposed] Order  
13 Extending Time for Defendants to Respond to Complaint and Resetting the Initial Case Management  
14 Conference;

15 WHEREAS, on October 31, 2011, this Court ordered that the Initial Case Management  
16 Conference and the hearing on Defendants’ Motions to Dismiss (“Motions”) be reset for February  
17 21, 2012;

18 WHEREAS, on December 1, 2011, Defendants filed their Motions, alleging Plaintiff failed  
19 to allege demand futility and failed to state a claim upon which relief can be granted;

20 WHEREAS, under the current briefing schedule, Plaintiff’s Opposition brief to Defendants’  
21 Motions must be filed no later than January 19, 2012, and Defendants’ Reply thereto must be filed  
22 no later than February 9, 2012;

23 WHEREAS, the Parties have conferred and Defendants have agreed to extend the deadline  
24 for Plaintiff to respond to Defendants’ Motions by four weeks until February 16, 2012;

25 WHEREAS, as a result of this extension, the deadline for Defendants to reply to Plaintiff’s  
26 Opposition brief shall be extended until March 16, 2012;

27  
28

1 WHEREAS, the Parties agree that, subject to the approval of the Court, the hearing on  
2 Defendants' Motions to Dismiss and the Initial Case Management Conference should take place on  
3 April 3, 2012 or as soon thereafter as the Court is available; and

4 WHEREAS, the Parties further agree that all other dates in the Order Setting Initial Case  
5 Management Conference and ADR Deadlines should be reset in conformity with the new Initial  
6 Case Management Conference date.

7 THEREFORE, the Parties, by and through their respective counsel, and subject to the Court's  
8 approval, stipulate and agree as follows:

9 1. Plaintiff shall file and serve its Opposition brief to Defendants' Motions no later than  
10 **February 16, 2012;**

11 2. Defendants shall file and serve their Reply brief(s) in support of their Motions no  
12 later than **March 16, 2012;**

13 3. The Court may thereafter schedule a hearing on the pending Motions and the Initial  
14 Case Management Conference for **April 3, 2012** (or at such later date as may be convenient for the  
15 Court); and

16 4. All other dates in the Order Setting Initial Case Management Conference may be reset  
17 in conformity with the new date for the Initial Case Management Conference.

18 **IT IS SO STIPULATED AND AGREED.**

19 DATED: January 17, 2012

ROBBINS GELLER RUDMAN  
& DOWD LLP  
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BENNY C. GOODMAN III

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23 s/ Benny C. Goodman III  
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1 In accordance with General Order No. 45, Rule X, the above signatory attests that  
2 concurrence in the filing of this document has been obtained from the signatories below.

3 DATED: January 17, 2012

JONES DAY  
WILLIAM S. FREEMAN

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5  
6 s/ William S. Freeman  
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10 DATED: January 17, 2012

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17 \* \* \*

18 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Initial Case Management  
19 Conference and the hearing on Defendants' Motions shall take place at 10AM on  
20 4/3, 2012.

21 DATED: 1/18/2012

Paul S. Grewal  
22 THE HONORABLE PAUL S. GREWAL  
23 UNITED STATES MAGISTRATE JUDGE  
24  
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1 CERTIFICATE OF SERVICE

2 I hereby certify that on January 17, 2012, I authorized the electronic filing of the foregoing  
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to  
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I  
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-  
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct. Executed on January 17, 2012.

9 s/ Benny C. Goodman III  
10 BENNY C. GOODMAN III

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# Mailing Information for a Case 5:11-cv-04604-PSG

## Electronic Mail Notice List

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## Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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