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18 *ACA Financial Guaranty Corporation and*
19 *The Bank of New York Mellon*

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA
22 (SACRAMENTO DIVISION)

23 COPIA CLAIMS LLC, a California limited
24 liability company, on behalf of itself and all
25 others similarly situated,

26 Plaintiff,

27 vs.

28 CALIFORNIA INFRASTRUCTURE AND
ECONOMIC DEVELOPMENT BANK, a public
instrumentality of the State of California; THE
BANK OF NEW YORK MELLON, an entity;
ORRICK, HERRINGTON & SUTCLIFFE, LLP,
an entity; and ACA FINANCIAL GUARANTY
CORPORATION, an entity,

Defendants.

Case No.: 2:09-CV-01610-GEB-DAD

**STIPULATION AND ORDER
REGARDING: (1) DATE BY WHICH LEAD
PLAINTIFF'S OPERATIVE COMPLAINT
WILL BE FILED; AND (2) DATE BY
WHICH DEFENDANTS WILL RESPOND
TO LEAD PLAINTIFF'S OPERATIVE
COMPLAINT**

1 WHEREAS:

2 1. This case, an alleged class action asserting claims under Section 10(b) of the
3 Securities Exchange Act of 1934, is subject to the requirements of the Private Securities Litigation
4 Reform Act of 1995 (“PSLRA”), including the requirements for appointment of a lead plaintiff;

5 2. On June 16, 2009, Plaintiff filed its First Amended Complaint;

6 3. On July 31, 2009, the Court granted Plaintiff’s unopposed motion to file a further
7 amended complaint, which will supersede the existing First Amended Complaint;

8 4. The PSLRA imposes a number of procedural requirements that must occur before the
9 lead plaintiff ultimately appointed by the Court will be in a position to assert an operative complaint,
10 including the following:

11 a. Plaintiff must publish a notice of pendency of action, pursuant to 15 U.S.C.
12 §78u-4(a)(3)(A), which was done on June 30, 2009;

13 b. Not later than 60 days after publication of such notice (i.e., by August 29,
14 2009), any member of the purported class may move the Court for appointment
15 as lead plaintiff, pursuant to 15 U.S.C. §78u-4(a)(3);

16 c. Not later than 90 days after publication of such notice (i.e., by September 28,
17 2009), the Court shall consider any motion made by a class member to be
18 appointed lead plaintiff and shall appoint a lead plaintiff, pursuant to 15 U.S.C.
19 §78u-4(a)(3)(B);

20 d. The appointed lead plaintiff shall, subject to the approval of the Court, select
21 and retain counsel to represent the alleged class;

22 5. Under the PSLRA, all discovery and other proceedings (including initial disclosures
23 under Fed.R.Civ.Pro. 26(a)) are stayed until and unless it is determined that plaintiff can state a claim
24 capable of surviving a motion to dismiss (15 U.S.C. §78u-4(b)(3); *Medhekar v. U.S. District Court*,
25 99 F.3d 325, 328 (9th Cir. 1996));

26 6. In light of the foregoing requirements, it is customary for the parties in class actions
27 governed by the PSLRA to agree, and for courts in such actions to order, that:

28 a. The class member ultimately appointed by the Court as lead plaintiff be given

1 an opportunity after its appointment to file a further amended complaint as its operative pleading; and

2 b. To prevent the Court and the parties from spending time and resources on
3 unnecessary motion practice, defendants are typically not required to respond to any pleading until a
4 lead plaintiff has been appointed by the Court and the Court-appointed lead plaintiff has filed its
5 operative pleading.

6 THEREFORE, IT IS HEREBY STIPULATED, by and among the undersigned counsel for
7 the parties, that:

8 1. Within forty-five (45) days from the date that the Court appoints a lead plaintiff in this
9 action pursuant to 15 U.S.C. § 78u-4(3)(B), such lead plaintiff shall file a further amended complaint
10 as its Operative Complaint, or designate the most recent complaint on file as its Operative Complaint;

11 2. Within forty-five (45) days from the date that the Court-appointed lead plaintiff files
12 or designates its Operative Complaint (pursuant to the preceding paragraph), defendants shall move,
13 answer or otherwise respond to the Operative Complaint;

14 3. Defendants shall have no obligation to move, answer or otherwise respond to any
15 complaint in this action until the Operative Complaint is designated or filed by the Court-appointed
16 lead plaintiff.

17
18 DATED: August ____, 2009

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24 By: _____
25 William McGrane
26 *Attorneys for Plaintiff*
27 *Copia Claims, LLC*

1 DATED: August ____, 2009

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14 DATED: August ____, 2009

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Bank

10 I certify that a true copy of the foregoing was served electronically via the CM/ECF system
on all counsel of record on this ___ day of August, 2009.

12 /s/ Karl D. Belgum

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

1. Within forty-five (45) days from the date that the Court appoints a lead plaintiff in this action pursuant to 15 U.S.C. § 78u-4(3)(B), such lead plaintiff shall file a further amended complaint as its Operative Complaint, or designate the most recent complaint on file as its Operative Complaint;

2. Within forty-five (45) days from the date that the Court-appointed lead plaintiff files or designates its Operative Complaint (pursuant to the preceding paragraph), defendants shall move, answer or otherwise respond to the Operative Complaint;

3. Defendants shall have no obligation to move, answer or otherwise respond to any complaint in this action until the Operative Complaint is designated or filed by the Court-appointed lead plaintiff.

IT IS SO ORDERED.

Dated: August 4, 2009



Garland E. Burrell, Jr.
United States District Judge