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

13 In re ATM FEE ANTITRUST LITIGATION

Master File No. C 04-2676 CRB

[CLASS ACTION]

16 This Document Relates To:

17 ALL ACTIONS

**STIPULATION AND ~~[PROPOSED]~~
 ORDER RE: BRIEFING AND
 HEARING OF MOTIONS TO
 DISMISS SECOND AMENDED
 COMPLAINT**

Hon. Charles R. Breyer

1 WHEREAS, Plaintiffs filed their Second Amended Complaint for Damages and Equitable
2 Relief on February 2, 2009 (the "SAC");

3 WHEREAS, Defendants have informed Plaintiffs of their intention to move to dismiss the
4 SAC; and

5 WHEREAS, the parties have met and conferred and agreed, subject to approval of the
6 Court, on a briefing and hearing schedule for Defendants' motions to dismiss the SAC that will
7 allow the parties adequate time to prepare their respective papers in support of and in opposition to
8 the motions;

9 NOW, THEREFORE, THE PARTIES STIPULATE that, subject to the Court's approval,
10 the following briefing and hearing schedule shall apply to Defendants' motions to dismiss the
11 SAC, and to any other motions one or more Defendants might make in response to the SAC:

12 Defendants' Opening Papers due April 6, 2009

13 Plaintiffs' Opposition Papers due June 5, 2009

14 Defendants' Reply Papers due July 10, 2009

15 Hearing on motions to dismiss August 28, 2009 at 10:00 a.m.

16 IT IS SO STIPULATED.

17
18 Dated: February 18, 2009

/s/ Robert S. Stern

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2 Dated: February 18, 2009

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1 Dated: February 18, 2009

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11 WELLS FARGO BANK, N.A. and SERVUS
12 FINANCIAL CORP.

12 Dated: February 18, 2009

/s/ Peter E. Moll

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1 Dated: February 18, 2009

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11
12 **GENERAL ORDER 45 ATTESTATION**

13 I, Sylvia Rivera, am the ECF User whose ID and password are being used to file the
14 attached STIPULATION AND [PROPOSED] ORDER RE: BRIEFING AND HEARING OF
15 MOTIONS TO DISMISS SECOND AMENDED COMPLAINT. In compliance with General
16 Order 45, X.B., I attest that the above-listed signatories have concurred in this filing.
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18 /s/ Sylvia Rivera

19 Sylvia Rivera
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1 **ORDER**

2 The parties having stipulated, and good cause appearing, it is hereby ORDERED that
3 Defendants' motions to dismiss the Second Amended Complaint, and any other motions one or
4 more Defendants makes in response to the Second Amended Complaint, shall be served and filed
5 on or before April 6, 2009. Plaintiffs' opposition(s) to the motions shall be served and filed on or
6 before June 5, 2009. Defendants may serve and file their replies on or before July 10, 2009. The
7 hearing on the motions will occur on August 28, 2009 at 10:00 a.m.

8
9 IT IS SO ORDERED.

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12 Dated: February 19, 2009

