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10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 GARY T. ARMITAGE; GTA OLD BARN) Case No.: C053998 (PJH)
 INVESTMENTS LLC; JEFFREY GUIDI; JAG)
 14 BOAS INVESTMENTS LLC; GIBBS W.) **STIPULATION AND [PROPOSED]**
 BROWN; BRENDON INVESTMENTS LLC;) **ORDER**
 15 EP PARTNERS; DAVID A. DUNLAP; DAD)
 TAPESTRY INVESTMENTS LLC;) Hon. Phyllis J. Hamilton
 16 TAPESTRY PARTNERS; WAYNE E.)
 HARTER; WEH CHARDONNAY)
 17 INVESTMENTS LLC; CHARDONNAY)
 PARTNERS; RAMESH PADMANABHAN;)
 18 JAYA PADMANABHAN; RJP LOS ALTOS)
 INVESTMENTS LLC; RJP INVESTMENT)
 19 PARTNERS; RJP LOS ALTOS INVESTORS,)
 INC.; MICHAEL R. WINGO; MICHELLE M.)
 20 WINGO; M&M MILE INVESTMENTS LLC;)
 S&R MARTY INVESTMENTS LLC; R&M)
 21 INVESTMENT PARTNERS; ROBERT W.)
 SHACKLETON; DENISE R. SHACKLETON;)
 22 CARMEL I, LLC; CARMEL II, LLC; TAHOE)
 I PARTNERS; TAHOE II PARTNERS;)
 23 PIERRE WILLARD; PW GAILEN)
 INVESTMENTS LLC; GAILEN PARTNERS;)
 24 PW GAILEN ALTO INVESTORS, INC.;)
 DAVID MCLAREN; DML SIERRA VISTA)
 25 INVESTMENTS LLC; SIERRA VISTA)
 PARTNERS; JEAN-RENE MENAND; JRM)
 26 SAN ANTONIO INVESTMENTS LLC; JRM)
 SAN ANTONIO PARTNERS; JRM SAN)
 27 ANTONIO INVESTORS INC.; TREVOR)
 TICE; TT INVESTMENT PARTNERS; and TT)
 28

STIPULATION AND [PROPOSED] ORDER

No.C053998 (PJH)

1 HOWARD INVESTMENTS, LLC,)
)
 2 Plaintiffs,)
)
 3 vs.)
)
 4 DEUTSCHE BANK AG; DEUTSCHE BANK)
)
 5 SECURITIES, INC., d/b/a DEUTSCHE BANK)
)
 6 ALEX BROWN, a DIVISION of DEUTSCHE)
)
 7 BANK SECURITIES, INC.; DAVID PARSE;)
)
 8 CRAIG BRUBAKER; MORGAN STANLEY)
)
 9 & CO. INCORPORATED; MORGAN)
)
 10 STANLEY CAPITAL GROUP INC.;)
)
 MORGAN STANLEY DW INC.; and RITA)
)
 ROTHSTEIN,)
)
 Defendants.)

11 It is stipulated and agreed by Plaintiffs Gary T. Armitage, GTA Old Barn Investments
 12 LLC, Jeffrey Guidi, JAG Boas Investments LLC, Gibbs W. Brown, Brendon Investments LLC,
 13 EP Partners, David A. Dunlap, DAD Tapestry Investments LLC, Tapestry Partners, Wayne E.
 14 Harter, WEH Chardonnay Investments LLC, Chardonnay Partners, Ramesh Padmanabhan, Jaya
 15 Padmanabhan, RJP Los Altos Investments LLC, RJP Investment Partners, Michael R. Wingo,
 16 Michelle M. Wingo, M&M Mile Investments LLC, S&R Marty Investments LLC, R&M
 17 Investment Partners, Robert W. Shackleton, Denise R. Shackleton, Carmel I, LLC, Carmel II,
 18 LLC, Tahoe I Partners, Tahoe II Partners, Pierre Willard, PW Gailen Investments LLC, Gailen
 19 Partners, PW Gailen Alto Investors, Inc., David McLaren, DML Sierra Vista Investments LLC,
 20 Sierra Vista Partners, Jean-Rene Menand, JRM San Antonio Investments LLC, JRM San
 21 Antonio Partners, JRM San Antonio Investors, Inc., Trevor Tice, TT Investment Partners, and
 22 TT Howard Investments, LLC (collectively, the "Plaintiffs") and Defendants Deutsche Bank
 23 AG; Deutsche Bank Securities, Inc. d/b/a Deutsche Bank Alex Brown, a division of Deutsche
 24 Bank Securities Inc., David Parse and Craig Brubaker (collectively, the "Deutsche Defendants")
 25 by and through their respective attorneys of record as follows:

- 26 1. Plaintiffs' Motion to Remand must be filed no later than October 17,
- 27 2005;

- 1 2. The Deutsche Defendants' Opposition to Plaintiffs' Motion to Remand
- 2 must be filed fourteen (14) days after the filing of Plaintiffs' Motion to
- 3 Remand;
- 4 3. Plaintiffs' Reply to the Deutsche Defendants' Opposition to Plaintiffs'
- 5 Motion to Remand must be filed seven (7) days after the filing of the
- 6 Deutsche Defendants' Opposition to Plaintiffs' Motion to Remand;
- 7 4. Plaintiffs' Motion to Remand, the Deutsche Defendants' Opposition to
- 8 Plaintiffs' Motion to Remand, and Plaintiffs' Reply to the Deutsche
- 9 Defendants' Opposition to Plaintiffs' Motion to Remand will be served
- 10 electronically in addition to any other means of service on the day of
- 11 filing; and
- 12 5. The Deutsche Defendants and Morgan Stanley Defendants are not
- 13 required to answer, move or otherwise respond to Plaintiffs' Complaint in
- 14 this action until thirty (30) days after the Court issues its ruling on
- 15 Plaintiffs' Motion to Remand.

16 **AGREED AS TO FORM**
17 **AND SUBSTANCE:**

18 **GILBERT & SACKMAN**

19 By: James E. Smith (PJS)
20 James E. Smith (State Bar No.166105)
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23 **AGREED AS TO FORM**
24 **AND SUBSTANCE:**

25 **DEWEY BALLANTINE LLP**

26 By: David S. McLeod
27 David S. McLeod (State Bar No. 66808)
28 Dewey Ballantine LLP
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Los Angeles, California 90071 3


STIPULATION AND [PROPOSED] ORDER

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KIRKLAND & ELLIS LLP

By:



C. Robert Boldt (State Bar No. 180136)
Kirkland & Ellis LLP
777 S. Figueroa Street
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ORDER

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Plaintiffs' Motion to Remand must be filed no later than October 17, 2005; the Deutsche Defendants' Opposition to Plaintiffs' Motion to Remand must be filed fourteen (14) days after the filing of Plaintiffs' Motion to Remand; Plaintiffs' Reply to the Deutsche Defendants' Opposition to Plaintiffs' Motion to Remand must be filed seven (7) days after the filing of the Deutsche Defendants' Opposition to Plaintiffs' Motion to Remand; and the Deutsche Defendants are not required to answer, move or otherwise respond to Plaintiffs' Complaint in this action until thirty (30) days after the Court issues its ruling on Plaintiffs' Motion to Remand.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

10/14/05

DATED: _____



Honorable Phyllis J. Hamilton
United States District Court Judge

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is **333 South Grand Avenue, 26th Floor, Los Angeles, California 90071-1530.**

On October 6, 2005, I served the foregoing document(s) described as:

STIPULATION AND [PROPOSED] ORDER

by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

BY MAIL I placed such envelopes with postage thereon prepaid in the United States Mail at 333 South Grand Avenue, 26th Floor, Los Angeles, California.

BY PERSONAL SERVICE I caused such envelope to be given to a messenger for delivery by hand to the office of the addressee.

BY FACSIMILE The above-referenced document (together with all exhibits and attachments thereto) was transmitted via facsimile transmission to the addressee(s) as indicated on the attached mailing list on the date thereof. The transmission was reported as completed and without error.

BY ELECTRONIC TRANSMISSION The above referenced document was sent via electronic transmission to the addressee(s)' email address as indicated on the attached service list.

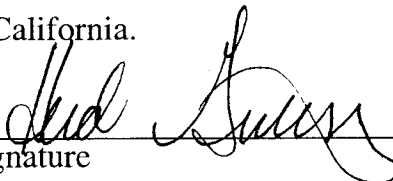
BY FEDERAL EXPRESS I am readily familiar with Dewey Ballantine's business practices of collecting and processing items for pickup and next business day delivery by Federal Express. I placed such sealed envelope(s) for delivery by Federal Express to the offices of the addressee(s) as indicated on the attached mailing list on the date hereof following ordinary business practices.

STATE I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 6, 2005 at Los Angeles, California.

Heidi Gutierrez
Type or Print Name


Signature

SERVICE LIST

Gary T. Armitage v. Deutsche Bank AG, et al.
USDC-Northern District of California
Case No.: C053998 (PJH)

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