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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO/OAKLAND DIVISION

18 MARGARET BENAY CURTIS-BAUER,  
 19 on behalf of herself and all others similarly  
 situated,

20 Plaintiff,

21 v.

22 MORGAN STANLEY & CO.  
 23 INCORPORATED, f/k/a MORGAN  
 STANLEY DW INC.,

24 Defendant.

Case No. C 06-3903 TEH

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING VINCENT GRIFFIN**

1           WHEREAS, the parties filed a list of 23 class members who timely opted out of the class  
2 settlement as Exhibit A to the [Proposed] Final Judgment on June 13, 2008 (Docket No. 199);

3           WHEREAS, at the Fairness Hearing on June 16, 2008, Objectors brought to the Court's  
4 attention that class member Vincent Griffin had submitted a timely opt-out request dated April  
5 28, 2008 and was not listed on the list of opt-outs submitted by the parties;

6           WHEREAS, the parties noted that if Mr. Griffin's opt-out request was submitted timely,  
7 they would have no objections to honoring it;

8           WHEREAS, the Claims Administrator notified Class Counsel on June 19, 2008 that Mr.  
9 Griffin had also submitted a timely Claim Form, postmarked May 23, 2008;

10           WHEREAS, Class Counsel contacted Linda Friedman, counsel for Mr. Griffin, on June  
11 19, 2008 to request that she indicate her client's intent by the end of the day so that they could  
12 inform the Court;

13           WHEREAS, after numerous attempts to get a definitive response from Ms. Friedman  
14 regarding her client's intent, Class Counsel informed Ms. Friedman that it would assume that Mr.  
15 Griffin's Claim Form was operative since it was the more recently-submitted document and  
16 because no rescission of his opt-out statement was submitted;

17           WHEREAS, the Court's Order of October 22, 2008 Granting Reconsideration of the  
18 Court's July 7, 2008 Order, Confirming Final Class Certification and Granting Final Approval to  
19 Class Action Settlement, listed Mr. Griffin as a timely opt-out (see Docket No. 250, Appendix A);

20           WHEREAS, Ms. Friedman confirmed on October 23, 2008 that Mr. Griffin would like to  
21 participate in the settlement;

22           THEREFORE, the parties, by and through their attorneys, hereby stipulate and request  
23 that the Court order Vincent Griffin's Claim Form to be operative, remove Mr. Griffin from the  
24 opt-out list attached as Appendix A to the Court's October 22, 2008 Order (Docket No. 250), and  
25 allow Mr. Griffin to participate in the class settlement.  
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Dated: November 3, 2008

By: /s/ Heather H. Wong  
Heather H. Wong

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*Attorneys for the Plaintiff*

Dated: November 3, 2008

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IT IS SO ORDERED.

Dated: 11/04/08

