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11 Attorneys for Representative Plaintiff  
 12 And the Plaintiff Classes

13 [Additional Counsel Appear On Signature Page]

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 NEIL WEINSTEIN, individually, and on )  
 18 behalf of all others similarly situated, )  
 19 Plaintiffs, )  
 20 vs. )  
 21 METLIFE, INC., METROPOLITAN LIFE )  
 22 INSURANCE COMPANY, and METLIFE )  
 23 SECURITIES, INC., )  
 24 Defendants. )

Case No. 3:06-CV-04444-SI  
**STIPULATION AND [PROPOSED]  
 ORDER SEEKING LEAVE TO  
 CONTINUE HEARING ON CLASS  
 AND/OR COLLECTIVE  
 CERTIFICATION MOTION**

DATE: November 21, 2008  
 TIME: 9:00a.m.  
 JUDGE: Hon. Susan Illston

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 STIP AND [PROP] ORDER SEEKING LEAVE TO FILE AN AMENDED COMPLAINT AND CONTINUING HEARING ON CLASS AND/OR COLLECTIVE CERTIFICATION MOTION – CASE NO. 3:06-CV-04444-SI

1 WHEREAS, by Order dated June 18, 2008, the Court set the motion for class certification  
2 for hearing on November 21, 2008;

3 WHEREAS, the parties are continuing to work diligently in negotiating a global settlement  
4 agreement;

5 WHEREAS, the parties held a third mediation before a well respected mediator on  
6 September 16, 2008 and have reached an agreement as to most of the material terms of a  
7 settlement;

8 WHEREAS, the parties' negotiations now include additional proposed named plaintiffs  
9 who allege wage and hour claims involving additional putative plaintiffs and MetLife entities;

10 WHEREAS, as part, and based upon the results, of the settlement negotiations, the parties  
11 will seek leave to file an amended complaint to include additional named parties, additional  
12 putative plaintiffs and additional MetLife entities; and

13 WHEREAS, the parties need an additional sixty (60) days in order to complete their  
14 settlement negotiations.

15 NOW, THEREFORE, the parties, by and through their counsel of record, hereby stipulate,  
16 and jointly move the Court to continue the hearing on Plaintiff's Motion for Class and/or  
17 Collective Certification to February 6, 2009, or as soon thereafter as the Court's calendar permits.

18 If a settlement is not reached, the parties hereby stipulate and jointly move the Court for  
19 the following briefing schedule for the Motion for Class and/or Collective Certification:

- 20 • Moving papers shall be due on December 2, 2008;

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- Opposition papers shall be due on January 6, 2009;
- Reply papers shall be due January 23, 2009;
- A hearing on the motion shall take place on February 6, 2009.

DATED: September 26, 2008

WOLF HALDENSTEIN ADLER  
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/s/ Betsy C. Manifold  
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Attorneys for Representative Plaintiff and the  
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DATED: September 26, 2008

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/s/ Christopher A. Parlo  
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Counsel for MetLife Securities, Inc., MetLife Inc.,  
Metropolitan Life Insurance Company

\* \* \*

**ORDER**

The Court continues the hearing on Plaintiff's Motion for Class and/or Collective Certification to February 6, 2009, or as soon thereafter as the Court's calendar permits. If a settlement is not reached, the Court orders the following briefing schedule for the Motion for Class and/or Collective Certification:

- Moving papers shall be due on December 2, 2008;
- Opposition papers shall be due on January 6, 2009;
- Reply papers shall be due January 23, 2009;
- A hearing on the motion shall take place on February 6, 2009.

IT IS SO ORDERED:



DATE: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Susan Illston

METLIFE:16356.STIP

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**DECLARATION REGARDING CONCURRENCE**

I, Betsy C. Manifold, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER SEEKING LEAVE TO CONTINUE HEARING ON CLASS AND/OR COLLECTIVE CERTIFICATION MOTION. In compliance with General Order 45.X.B, I hereby attest that Christopher A. Parlo of Morgan Lewis & Bockius LLP has concurred in this filing.

DATED: September 25, 2008

WOLF HALDENSTEIN ADLER FREEMAN  
& HERZ LLP

By:                   /s/ Betsy C. Manifold                    
                  BETSY C. MANIFOLD

**DECLARATION OF SERVICE**

1 I, Maureen Longdo , the undersigned, declare:

2 1. That declarant is and was, at all times herein mentioned, a citizen of the United  
3 States and a resident of the County of San Diego, over the age of 18 years, and not a party to or  
4 interested in the within action; that declarant's business address is 750 B Street, Suite 2770, San  
5 Diego, California 92101.

6 2. That on September 26, 2008, declarant served the STIPULATION AND  
7 [PROPOSED] ORDER SEEKING LEAVE TO CONTINUE HEARING ON CLASS AND/OR  
8 COLLECTIVE CERTIFICATION MOTION via the CM/ECF System to the parties who are  
9 registered participants of the CM/ECF System.

10 3. That there is regular communication between the parties.

11 I declare under penalty of perjury that the foregoing is true and correct. Executed this 26th  
12 day of September 2008, at San Diego, California.

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15 MAUREEN LONGDO  
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*Counsel for Metlife Securities, Inc., Metlife Inc.,  
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**All parties on service list  
served via CM/ECF**