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Attorneys for Representative Plaintiffs and the [Proposed] Plaintiff Classes

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NEIL WEINSTEIN, ABDULSALAM )  
BORGI, CHARLES DOZER, PETER )  
FERCIONI, AND HOOSHANG )  
KERMANI individually, and on behalf of )  
all others similarly situated, )  
Plaintiffs, )  
vs. )  
METLIFE, INC., METROPOLITAN LIFE )  
INSURANCE COMPANY, METLIFE )  
RESOURCES, INC. and METLIFE )  
SECURITIES, INC., )  
Defendants. )

Case No. 3:06-CV-04444-SI  
CLASS ACTION  
**REVISED STIPULATION AND  
[PROPOSED] ORDER SEEKING  
LEAVE TO CONTINUE HEARING ON  
CLASS AND/OR COLLECTIVE  
CERTIFICATION MOTION PENDING  
FILING OF MOTION FOR  
PRELIMINARY APPROVAL OF  
SETTLEMENT AND APPROVAL OF  
SETTLEMENT**

REVISED STIP AND [PROP] ORDER SEEKING LEAVE TO CONTINUE HEARING ON CLASS AND/OR COLLECTIVE CERTIF MOTION PENDING APPROVAL OF SETTLEMENT – CASE NO. 3:06-CV-04444-SI

1 WHEREAS, on November 24, 2008, the parties filed a Stipulation And [Proposed] Order  
2 Seeking Leave To Continue Hearing On Class And/Or Collective Certification Motion Pending  
3 Filing Of Motion For Preliminary Approval Of Settlement And Approval Of Settlement; and

4 WHEREAS, the parties now wish to withdraw the aforementioned stipulation and  
5 [proposed] order and file this *revised* stipulation and [proposed] order; and

6 WHEREAS, by Order dated September 30, 2008, the Court set plaintiffs' Motion for Class  
7 and/or Collective Certification for hearing on February 6, 2009; and

8 WHEREAS, leave to file a first amended complaint adding additional putative plaintiffs  
9 and MetLife entities was granted by the Court on November 14, 2008; and

10 WHEREAS, the parties held a third mediation before a well respected mediator on  
11 September 16, 2008 and after two months of further negotiations, the parties have reached an  
12 agreement on the material terms of a settlement; and

13 WHEREAS, the parties are now drafting the settlement agreement, a motion for  
14 preliminary approval, and related papers; and

15 WHEREAS, the parties need approximately thirty (30) days in order to complete their  
16 settlement documents and file the motion for preliminary approval; and

17 WHEREAS, counsel for the parties have spoken with counsel for the plaintiffs in the  
18 matter of *Reeder, et. al. v. Metropolitan Life Insurance Co.*, Case No. 07-CV-00538 SI ("*Reeder*")  
19 on several occasions in an effort to resolve that matter within the context of the parties'  
20 settlement. The most recent conversation occurred on November 11, 2008. From November 11th  
21 until yesterday, neither counsel for the defendants nor for the plaintiffs in the *Weinstein* Action  
22 were aware of any communication from counsel for the *Reeder* plaintiffs relating to the settlement  
23 proposal. Immediately following the filing of the original stipulation, both plaintiffs' and  
24 defendants' counsel received a communication from counsel for the *Reeder* plaintiffs which the  
25 parties are reviewing.

26 NOW, THEREFORE, the parties, by and through their counsel of record, hereby stipulate,  
27 and jointly move the Court to continue the hearing on Plaintiffs' Motion for Class and/or  
28 Collective Certification to April 10, 2009, or as soon thereafter as the Court's calendar permits.

1 When the parties file their request for preliminary approval of the proposed settlement, the  
2 Plaintiffs' Motion for Class and/or Collective Certification shall be taken off calendar pending  
3 final approval of the settlement.

4 DATED: November 25, 2008

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BETSY C. MANIFOLD  
RACHELE R. RICKERT

7 BY: /s/ Betsy C. Manifold  
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27 Attorneys for Representative Plaintiffs and the  
28 [Proposed] Plaintiff Classes

DATED: November 25, 2008

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**ORDER**

The Court continues the hearing on Plaintiffs' Motion for Class and/or Collective Certification to April 10, 2009, or as soon thereafter as the Court's calendar permits. Once the parties' request for preliminary approval of the proposed settlement is filed, the Motion for Class and/or Collective Certification will be taken off calendar pending final approval of the settlement.

IT IS SO ORDERED:



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

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

METLIFE:16490

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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 **REVISED** STIPULATION AND [PROPOSED] ORDER SEEKING LEAVE TO CONTINUE HEARING ON CLASS AND/OR COLLECTIVE CERTIFICATION MOTION PENDING FILING OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AND APPROVAL OF SETTLEMENT. 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: November 25, 2008

WOLF HALDENSTEIN ADLER FREEMAN  
& HERZ LLP

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

**DECLARATION OF SERVICE**

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I, Marta Stasik , the undersigned, declare:

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

2. That on November 25, 2008, declarant served the **REVISED** STIPULATION AND [PROPOSED] ORDER SEEKING LEAVE TO CONTINUE HEARING ON CLASS AND/OR COLLECTIVE CERTIFICATION MOTION PENDING FILING OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AND APPROVAL OF SETTLEMENT via the CM/ECF System to the parties who are registered participants of the CM/ECF System.

3. That there is regular communication between the parties.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 25th day of November 2008, at San Diego, California.

  
\_\_\_\_\_  
MARTA STASIK

SERVICE LIST – JAN. 12, 2007

PAGE 1

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Metropolitan Life Insurance Company*

**All parties on service list  
served via CM/ECF**