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6 Attorneys for Defendant TD AMERITRADE, INC.

7
8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

10
11 MATTHEW ELVEY, an individual, on his own
behalf and on behalf of all similarly situated,

12 Plaintiff,

13 v.

14 TD AMERITRADE, INC., a New York
corporation

15 Defendant.

CASE NO. C 07 2852 BZ

STIPULATION TO FILE AN AMENDED
COMPLAINT

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17 Whereas, Plaintiff Matthew Elvey (“Plaintiff”) has filed a Complaint against Defendant
18 TD AMERITRADE, Inc. (“TD AMERITRADE”) and served a Summons and Complaint on
19 June 1, 2007;

20 Whereas, Plaintiff has informed TD AMERITRADE that he plans to file an Amended
21 Complaint;

22 Whereas, TD AMERITRADE's deadline for responding to the Complaint is
23 June 21, 2007;

24 IT IS HEREBY STIPULATED, by and between the parties, that pursuant to Civil Local
25 Rule 6-1(a), TD AMERITRADE need not respond to Plaintiff's currently filed Complaint.

26 IT IS FURTHER STIPULATED, that Plaintiff shall file an Amended Complaint by
27 June 28, 2007.
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1 IT IS FURTHER STIPULATED, that TD AMERITRADE's deadline for filing a
2 responsive pleading to the Amended Complaint shall be 20 days after the service of the
3 Amended Complaint, pursuant to Fed. R. Civ. P. 12(a)(1)(A).

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6 DATED: June 20, 2007

/s/ Lee H. Rubin
Lee H. Rubin

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8 MAYER, BROWN, ROWE & MAW LLP
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Shirish Gupta

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11 Attorneys for Defendant TD AMERITRADE, INC.

12 DATED: June 20, 2007

/s/ Alan Himmelfarb
Alan Himmelfarb

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14 LAW OFFICES OF ALAN HIMMELFARB
Alan Himmelfarb

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17 Attorneys for Plaintiff MATTHEW ELVEY

18 Pursuant to General Order No. 45, Section X(B), Lee H. Rubin hereby attests that the
19 Signatory's concurrence in the filing of this document has been obtained.
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