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12 *Attorneys for Lead Plaintiff YieldPlus Investor Group*

13  
 14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 IN RE SCHWAB CORP. SECURITIES  
 18 LITIGATION

No. 08-cv-01510 WHA

19 THIS DOCUMENT RELATES TO:  
 20 All Actions

STIPULATION AND [~~PROPOSED~~]  
 ORDER RE: REMOVAL OF  
 PLAINTIFFS GRETCHEN MIKELONIS  
 AND KARL KYZER

Date Action Filed: March 18, 2008

1 WHEREAS, on July 3, 2008, the Court appointed seven lead plaintiffs, including Gretchen  
2 Mikelonis and her husband David Mikelonis (Docket No. 73);

3 WHEREAS, Gretchen Mikelonis was named as a plaintiff in the first consolidated amended  
4 complaint filed on October 2, 2008 (Docket No. 104 ¶ 21) and the proposed second consolidated  
5 amended complaint filed on February 26, 2009 (Docket No. 170-2 ¶ 21);

6 WHEREAS, Karl Kyzer was named as a plaintiff in the first consolidated amended  
7 complaint filed on October 2, 2008 (Docket No. 104 ¶ 23) and the proposed second consolidated  
8 amended complaint filed on February 26, 2009 (Docket No. 170-2 ¶ 21);

9 WHEREAS, defendants noticed the depositions of Gretchen Mikelonis and Karl Kyzer to  
10 take place on May 14, 2009 and May 15, 2009, respectively;

11 WHEREAS, plaintiffs filed their motion for class certification and did not name Gretchen  
12 Mikelonis or Karl Kyzer as proposed class representatives;

13 WHEREAS, the plaintiffs now wish to withdraw Gretchen Mikelonis as a lead plaintiff and  
14 named plaintiff and both Gretchen Mikelonis and Karl Kyzer as named plaintiffs;

15 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to  
16 Court approval, as follows:

17 Gretchen Mikelonis is withdrawn as a lead plaintiff in the above-captioned action;

18 Gretchen Mikelonis and Karl Kyzer are stricken as plaintiffs from the first consolidated  
19 amended complaint and the proposed second consolidated amended complaint;

20 Gretchen Mikelonis and Karl Kyzer shall be treated as absent class members; and

21 The depositions of Gretchen Mikelonis and Karl Kyzer, currently set for May 14 and 15,  
22 2009, are taken off calendar.

23 IT IS SO STIPULATED.

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Dated: May 11, 2009

STEVE W. BERMAN  
REED R. KATHREIN  
SEAN R. MATT  
ERIN K. FLORY  
PETER E. BORKON  
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By:                   /s/ Steve W. Berman                    
Steve W. Berman

Attorneys for Lead Plaintiffs and the Proposed Class

Dated: May 11, 2009

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By:                   s/ Dorothy L. Fernandez                    
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Dated: May 11, 2009

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By:                   s/ Tammy Albarran                    
Tammy Albarran

Attorneys for defendant Kimon P. Daifotis

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated:     May 14    , 2009



The Honorable William Alsup  
United States District Judge

**ATTESTATION OF E-FILED SIGNATURES**

I, Steve W. Berman, am the ECF User whose Id and password are being used to file this Stipulation and [Proposed] Order Re: Removal of Plaintiffs G. Mikelonis and K. Kyzer. In compliance with General Order 45, X.B., I hereby attest that Dorothy L. Fernandez, counsel for The Charles Schwab Corporation, Charles Schwab & Co., Inc., Charles Schwab Investment Management, Inc., Schwab Investments, Charles R. Schwab, Evelyn Dilsaver, Randall W. Merk, George Pereira, Matthew Hastings, Mariann Byerwalter, Donald F. Dorward, William A. Hasler, Robert G. Holmes, Gerald B. Smith, Donald R. Stephens, and Michael W. Wilsey, and Tammy Albarran, counsel for Kimon Daifotis, have concurred in this filing.

Dated: May 11, 2009

/s/ Steve W. Berman

STEVE W. BERMAN