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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 REGARDING SETTLEMENT  
 CONFERENCE FILED PURSUANT TO  
 CIVIL LOCAL RULES 6-1 & 6-2

1 WHEREAS, on January 28, 2009, the Court issued an Order referring this matter to  
2 Magistrate Judge Joseph C. Spero for mediation/settlement (Docket No. 161);

3 WHEREAS, on February 2, 2009, Judge Spero issued an Order scheduling a settlement  
4 conference in this matter for July 30, 2009, at 9:30 a.m. (Docket No. 163);

5 WHEREAS, the parties have recently commenced discovery, and given the volume of  
6 relevant information sought, both sides would like the benefit of having reviewed this discovery  
7 before engaging in the Settlement Conference and believe that, at this early stage and without the  
8 benefit of additional discovery, mediation efforts will not prove fruitful;

9 WHEREAS, Defendants very recently produced data on the YieldPlus Fund's monthly  
10 holdings, which consisted of hundreds-of-thousands of pages of documents, and Defendants  
11 anticipate a substantial additional production of documents shortly, and Plaintiffs and their experts  
12 will need sufficient time to review this material and prepare for a mediation;

13 WHEREAS, the parties believe an extension of the Settlement Conference until September  
14 16, 2009, at 9:30 a.m. will better enable the parties to evaluate the case for settlement purposes;

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

17 1. The Settlement Conference date shall be changed from July 30, 2009, at 9:30 a.m. to  
18 September 16, 2009, at 9:00 a.m.;

19 2. On or before September 2, 2009, the parties shall submit mediation statements to  
20 chambers only; and

21 3. All other terms of Judge Spero's Order remain the same.

22 IT IS SO STIPULATED.  
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25  
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27  
28

1 Dated: June 10, 2009

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SEAN R. MATT  
ERIN K. FLORY  
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5 By:                   /s/ Steve W. Berman                    
Steve W. Berman

Attorneys for Lead Plaintiffs and the Proposed Class

8 Dated: June 10, 2009

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11 By:                   s/ Dorothy L. Fernandez                    
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17 Dated: June 10, 2009

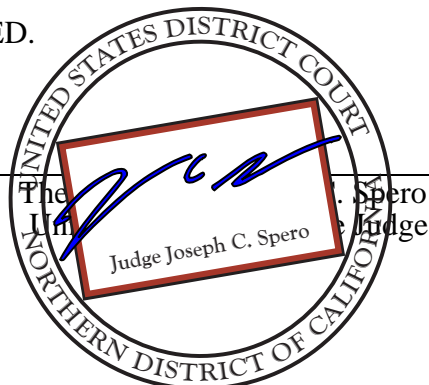
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20 By:                   s/ Tammy Albarran                    
Tammy Albarran

Attorneys for defendant Kimon P. Daifotis

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

24 Dated:   June 15                  , 2009



**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 Regarding Settlement Conference Filed Pursuant To Civil Local Rules 6-1 & 6-2. 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: June 10, 2009

/s/ Steve W. Berman

STEVE W. BERMAN