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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: No. C 08-01510 WHA
CHARLES SCHWAB CORPORATION
SECURITIES LITIGATION.

This Document Relates
To All Cases.

**SECOND ORDER DENYING
DARLENE LEWIS-CHINN AND
DAVID W. CHINN'S UNTIMELY
REQUEST TO OPT OUT**

The Court has received another letter from class members Darlene Lewis-Chinn and David W. Chinn renewing their untimely request to be excluded from the class. The letter simply states: "We missed the exclusion deadline of December 28, 2009 when we submitted our original exclusion request dated January 7, 2010, due to excusable negligence." Under the law set forth by the Ninth Circuit, this is not a legally sufficient justification to grant a late opt-out request. As such, reconsideration of the prior order denying the request by class members Darlene Lewis-Chinn and David W. Chinn to opt out (*see* Dkt. No. 749) must be **DENIED**.

IT IS SO ORDERED.

Dated: May 26, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE