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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.

**ORDER REGARDING LETTER
FROM JAMES EDWARDS O/B/O
SCIENTIFIC SPINAL PENSION
PLAN**

The appended letter and e-mail from James Edwards were received on July 7, 2010, and August 4, 2010, respectively. Counsel were copied on the letter but not the e-mail. The letter is phrased as an objection to the federal securities class settlement agreement. It states a request to be excluded from the *settlement agreement* but not the class. Such a request is not the same as a motion to opt-out of the class, because exclusion from a settlement agreement is governed by the terms of that agreement. Mr. Edwards' e-mail, however, requests exclusion from the *class*. Both requests are therefore construed as an opt-out motion. Class counsel included a response to Mr. Edward's letter in its memorandum in support of final approval of the federal securities class settlement agreement (Dkt. No. 838 at 23). Neither side received Mr. Edwards' e-mail, however, and defendants have not had an opportunity to comment at all. Counsel are directed to inform the Court whether they oppose the motion, by **NOON ON OCTOBER 1, 2010**. Additionally, if Mr.

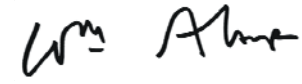
United States District Court
For the Northern District of California

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Edwards actually filed a timely exclusion request, counsel shall please inform the Court. Counsel shall serve their briefs on the applicant.

IT IS SO ORDERED.

Dated: September 27, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

RECEIVED

JUL 07 2010

RICHARD V. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

James Edwards TTEE
Scientific Spinal Pension Plan
3907 Greenway
Baltimore, MD 21218
Home) 443-438-6600
Cell) 786-301-8006

July 2, 2010

Clerk of the Court
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102

RE: Charles Schwab Corporation Securities Litigation,
Case No. C 08-01510 WHA.

Clerk of the Court for Judge William Alsup:

The Scientific Spinal Pension Plan objects to the settlement agreement in the above referenced case insofar as it does not "afford a new opportunity to request exclusion to individual class members who had an earlier opportunity to request exclusion but did not do so." The Scientific Spinal Pension Plan wishes to exclude itself from the settlement agreement and requests that the Court afford class members the opportunity to request exclusion at this time pursuant to Federal Rule of Civil Procedure 23(e)(4).

Only upon receipt of the Notice of Pendency and Proposed Settlement of Class Action did the beneficiary of the Scientific Spinal Pension Plan learn of the class action lawsuit and now the proposed settlement concerning the Schwab YieldPlus Fund. The Pension Plan intends to file an independent lawsuit to recover losses that resulted from Charles Schwab's misleading characterization and/or mismanagement of the YieldPlus Fund.

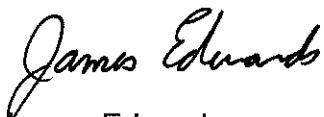
As additional background, the Schwab YieldPlus Fund was recommended to me personally in July, 2007 by an employee at the Charles Schwab Towson, Maryland branch. The fund was described as a fund with money market price stability with slightly higher returns. I made it clear that I could not accept risk of price instability and Schwab's representative recommended this fund as a secure option. Consistent with the Schwab employee's representations the Fund's prospectus indicates in several locations that fund seeks "minimal changes in share price." Relying on these representations on July 10, 2007 I transferred \$313,379.00 (our entire pension plan's assets) from the Schwab money market account into this fund.

It seems clear in hindsight that the proportion of derivatives, futures, swaps, and other high risk investments made by the Schwab YieldPlus fund manager was not consistent with the fund's mission of "seeking minimal changes in share price." This is not the fault of the misled investor however. The Scientific Spinal Pension Plan would prefer to file an independent action to seek additional recovery.

The Scientific Spinal Pension Plan had no shares of the Schwab YieldPlus Fund as of May 31, 2006. We purchased 32,440.89 shares on 7/10/07. We sold 25,959 shares on 5/22/08. We still have 6,481.89 shares in the Pension Plan account.

Thank you in advance for entertaining this request to be excluded from the settlement agreement. Please provide a written response so I know if our petition is granted by Judge Alsup. Scientific Spinal Pension Plan's address is shown on the letterhead above.

Sincerely,



James Edwards

Scientific Spinal Pension Plan

James.r.edw@gmail.com

I certify that this letter to the Court has also been sent by US Mail on July 2, 2010 to the following addresses:

Counsel for Lead Plaintiff:

Steve W. Berman

HAGENS BERMAN SOBOL & SHAPIRO LLP

1918 Eighth Avenue, Suite 3300

Seattle, WA 98101

Counsel for Defendants:

Darryl P. Rains

Morrison & Foerster LLP

755 Page Mill Road

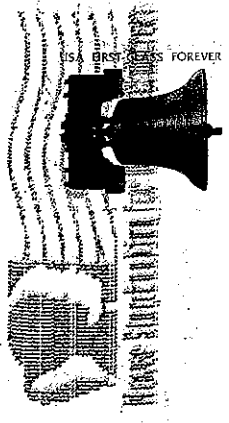
Palo Alto, CA 94304

Scientific Spinal Pension Fund
3907 Greenway
Baltimore, MD 21218

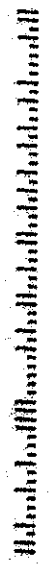
WETA

BALTIMORE MD 212
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Clerk of the Court
United States District Court
Northern District of California
United States Courthouse
450 Golden Gate Avenue
San Francisco, CA 94102



94102+3453





James Edwards
<james.r.edw@gmail.com>
08/04/2010 11:01 AM

To WHApdf@cand.uscourts.gov

cc

bcc

Subject Charles Schwab Yield Plus Class Action Lawsuit

On July 2nd, 2010 I filed a petition with the Court to request that Scientific Spinal Pension Plan be excluded from the Class. My request was copied to Counsel for plaintiff and defendants.. Please advise if this petition was granted. Thank you.

James Edwards
786-301-8006

3: 08-CV-01510 WHA