

United States District Court
For the Northern District of California

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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
SUBMISSIONS ON THE
VALIDITY OF DEFENDANTS'
NOTICE OF TERMINATION**

Both sides' submissions should discuss whether discovery should be allowed and/or an evidentiary hearing should be held to consider: (1) verbal and written communications between the two sides during the negotiations on the scope of the release and the meaning of "17200 claim," (2) verbal and written communications between the two sides during the negotiations on whether a new opportunity for opt-out should be given, (3) internal discussions and communications within the two law firms on these subjects (to see if anyone was truly misled or was aware of the issue now raised and remained silent). In this connection, both law firms must immediately interdict, if they have not already, any deletion of emails, instant messages, text messages, and memoranda on these subjects or otherwise relevant to the intent of the agreement. All relevant evidence must be preserved. No decision has been made that such an evidentiary hearing is warranted but the input of both sides is requested on the question.

IT IS SO ORDERED.

Dated: November 10, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE