

1 (Attorney list on signature page)

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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN FRANCISCO DIVISION**

6 In re Bank of America Corp. Auction Rate  
7 Securities Marketing Litigation

8 This Document Relates to:  
9 *Bondar v. Bank of America Corp.*  
10 No. C 08-2599 (JSW)

ORDER DENYING  
MDL No. 09-2014

**STIPULATION AND ~~[PROPOSED]~~**  
**~~SCHEDULING ORDER~~**

Hon. Jeffrey S. White

11 Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW) and  
12 Defendants Bank of America Corporation, Banc of America Securities LLC, and Banc of  
13 America Investment Services, Inc. (collectively, "Defendants"), by and through their respective  
14 counsel of record, hereby stipulate as follows:

15 **WHEREAS** on August 26, 2009, the Court issued an order setting the following  
16 schedule with respect to the Second Amended Class Action Complaint:

- 17 1) September 9, 2009: Defendants' deadline to answer, move against or otherwise  
18 respond to the Second Amended Class Action Complaint;
- 19 2) October 9, 2009: Class Plaintiffs' deadline to file any opposition to Defendants'  
20 motion to dismiss; and
- 21 3) October 30, 2009: Defendants' deadline to file any reply in support of the motion to  
22 dismiss.

23 **WHEREAS** Defendants filed the motion to dismiss on September 9, 2009 and set the  
24 hearing on the motion for November 20, 2009;

25 **WHEREAS** on September 29, 2009, the Court advised that it was unavailable on the  
26 November 20 date Defendants originally selected and Defendants' re-noticed the hearing on the  
27 motion to dismiss for December 11, 2009 or as soon thereafter as the matter may be heard;

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STIPULATION AND [PROPOSED] ORDER  
CASE NO. 08-2599 (JSW)

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**WHEREAS** the parties have met and conferred, and, subject to this Court's approval, agree that the continuation of the hearing date is good cause for a modest extension of the remaining briefing schedule for the motion to dismiss;

**WHEREAS** the parties agree, subject to this Court's approval, to the following schedule for the remaining briefing dates on Defendants' motion to dismiss:

- 1) Class Plaintiffs shall file any response in opposition to Defendants' motion to dismiss on or before October 30, 2009; and
- 2) Defendants shall file any reply in support of the motion to dismiss on or before November 25, 2009.

Dated: October 7, 2009

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~~**PROPOSED**~~ ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that:

- ~~1) Class Plaintiffs shall file any response in opposition to Defendants' motion to dismiss on or before October 30, 2009; and~~
- ~~2) Defendants shall file any reply in support of the motion to dismiss on or before November 25, 2009.~~

The Court does not find the continuance of the hearing to be good cause to modify the briefing schedule. The briefing schedule remains set as previously ordered.

**IT IS SO ORDERED.**

DATED: October 7, 2009

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE