

1 (Attorney list on signature page)

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

5 IN RE Bank of America Corp. Auction Rate
 6 Securities Marketing Litigation:

7 This Document Relates to:

8 *Bondar v. Bank of America Corp., et al.*

9 No. C 08-2599 (JSW)

10 *Aeroflex Inc. v. Bank of America Corp., et al.*

11 No. C 09-5245 (JSW)

MDL No. 09-2014

STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING THE
HEARING ON DEFENDANTS'
MOTION TO DISMISS AS MODIFIED

Hon. Jeffrey S. White

12 Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599 (JSW), Plaintiff
 13 Aeroflex Incorporated in the individual action, *Aeroflex Inc. v. Bank of America Corp., et al.*,
 14 No. C 09-5425 (JSW) (collectively, "Plaintiffs"), and Defendants Bank of America
 15 Corporation, Banc of America Securities LLC, and Banc of America Investment Services, Inc.
 16 (collectively, "Defendants"), by and through their respective counsel of record, hereby stipulate
 17 as follows:

18 **WHEREAS**, Defendants' motion to dismiss Plaintiffs' Consolidated Class Action and
 19 Individual Complaint for Violations of Federal Securities Laws is currently pending before this
 20 Court;

21 **WHEREAS**, this Court issued an order on March 29, 2010 setting the hearing on
 22 Defendants' motion to dismiss for Friday, October 1, 2010 at 9:00 a.m.;

23 **WHEREAS**, Defendants' lead counsel, who attended the hearing on Defendants'
 24 previous motion to dismiss, is unavailable on October 1 because he will be participating in an
 25 arbitration in New York;

26 **WHEREAS**, the next available date on the Court's calendar for the hearing on
 27 Defendants' motion to dismiss is Friday, October 8, 2010;

28 **WHEREAS**, the parties agree, subject to this Court's approval, to reschedule the

1 hearing on Defendants' motion to dismiss for October 8, 2010 at 9:00 a.m.;

2 **IT IS THEREFORE STIPULATED AND AGREED**, by and between Plaintiffs and
3 Defendants, acting through their respective counsel, subject to this Court's approval, that the
4 hearing on Defendants' motion to dismiss shall be set for Friday, October 8, 2010, at 9:00 a.m.

5 Dated: September 17, 2010
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11 *Attorneys for Aeroflex Incorporated*

12 I attest that concurrence in the filing of this document has been obtained by Aaron M.
13 Sheanin and Stewart H. Foreman.

14 Dated: September 17, 2010

15 By: _____ /s/
16 Aaron M. Rofkahr

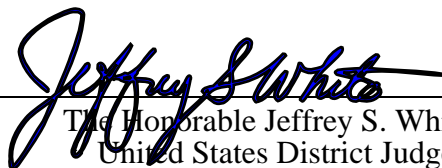
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~~**PROPOSED**~~ ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that the hearing on
October 15, 2010
Defendants' motion to dismiss shall be set for Friday, ~~October 8, 2010~~, at 9:00 a.m.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: September 17, 2010



The Honorable Jeffrey S. White
United States District Judge

The parties are HEREBY ADVISED that they must notice motions in this case on open and
available dates for terminal digits "1" or "2".