

1 (Attorney list on signature page)

2

3

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

7

8 IN RE Bank of America Corp. Auction Rate
9 Securities Marketing Litigation:

MDL No. 09-2014

10

11 This Document Relates to:
12 ALL CASES

STIPULATION AND ~~PROPOSED~~
ORDER REGARDING CASE
MANAGEMENT CONFERENCE

13

Judge: Jeffrey S. White

14

15 The parties hereto, Class Plaintiffs in *Bondar v. Bank of America Corp.*, No. C 08-2599
16 (JSW), Plaintiff Independence Tube Corporation, and Plaintiff Twin Lane, Inc., (collectively,
17 “Plaintiffs”), and Defendants Bank of America Corporation, Banc of America Securities LLC,
18 Banc of America Investment Services, Inc., and Stephen Pelleriti (collectively, “Defendants”), by
19 and through their respective counsel of record, hereby stipulate as follows:

20

21 **WHEREAS**, under this Court’s April 7, 2009 Order, the initial case management
22 conference is scheduled to take place on Friday, September 18, 2009 at 1:30 p.m.;

23

24 **WHEREAS**, in light of the Rosh Hashanah holiday and Defendants’ Lead Counsel’s
25 scheduled trial in another action, Defendants request an adjournment of the initial case
26 management conference and Plaintiffs do not oppose that request;

27

28 **IT IS THEREFORE STIPULATED AND AGREED**, by and between Plaintiffs and
29 Defendants, acting through their respective counsel, subject to this Court’s approval, that the
30 initial case management conference shall be held on Friday, October 2, 2009 at 1:30 p.m. A case
31 management conference statement shall be due on or before Friday, September 25, 2009.

32

33

34

35

1 Dated: April 15, 2009

2 **GIRARD GIBBS LLP**

3
4 By: _____
5 Daniel C. Girard, dcg@girardgibbs.com
6 Jonathan K. Levine, jkl@girardgibbs.com
7 Aaron M. Sheanin, ams@girardgibbs.com
8 Christina H. C. Sharp, chc@girardgibbs.com
9 601 California Street, Suite 1400
10 San Francisco, California 94108
11 Tel: (415) 981-4800
12 Fax: (415) 981-4846


13 *Attorneys for Class Plaintiffs*

14
15
16 **SCHOPF & WEISS LLP**

17
18 By: _____
19 William G. Schopf, schopf@sw.com
20 Jose A. Lopez, lopez@sw.com
21 Ian H. Fisher, fisher@sw.com
22 Nicholas A. Gowen, gowen@sw.com
23 One South Wacker Drive; 28th Floor
24 Chicago, Illinois 60606-4617
25 Tel: (312) 701-9300
26 Fax: (312) 701-9335

27 *Attorneys for Independence Tube Corp.*
28

O'MELVENY & MYERS LLP

By:  _____
Jonathan Rosenberg, jrosenberg@omm.com
B. Andrew Bednark, abednark@omm.com
7 Times Square
New York, New York 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

Robert Stern, rstern@omm.com
1625 Eye Street NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

Debra S. Belaga, dbelaga@omm.com
Aaron M. Rofkahr, arofkahr@omm.com
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Tel: (415) 984-8700
Fax: (415) 984-8701

Attorneys for Defendants

1 Dated: April 10, 2009

2 **GIRARD GIBBS LLP**

3
4 By: CHC Sharp
Daniel C. Girard, dcg@girardgibbs.com
5 Jonathan K. Levine, jkl@girardgibbs.com
6 Aaron M. Sheanin, ams@girardgibbs.com
Christina H. C. Sharp, chc@girardgibbs.com
7 601 California Street, Suite 1400
San Francisco, California 94108
8 Tel: (415) 981-4800
Fax: (415) 981-4846

9 *Attorneys for Class Plaintiffs*

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SCHOPF & WEISS LLP

By: _____
William G. Schopf, schopf@sw.com
19 Jose A. Lopez, lopez@sw.com
Ian H. Fisher, fisher@sw.com
20 Nicholas A. Gowen, gowen@sw.com
21 One South Wacker Drive; 28th Floor
Chicago, Illinois 60606-4617
22 Tel: (312) 701-9300
23 Fax: (312) 701-9335

Attorneys for Independence Tube Corp.

O'MELVENY & MYERS LLP

By: _____
Jonathan Rosenberg, jrosenberg@omm.com
B. Andrew Bednark, abednark@omm.com
7 Times Square
New York, New York 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

Robert Stern, rstern@omm.com
1625 Eye Street NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

Debra S. Belaga, dbelaga@omm.com
Aaron M. Rofkahr, arofkahr@omm.com
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Tel: (415) 984-8700
Fax: (415) 984-8701

Attorneys for Defendants

1 Dated: April 15, 2009

2 **GIRARD GIBBS LLP**

O'MELVENY & MYERS LLP

3

4 By: _____
Daniel C. Girard, dcg@girardgibbs.com
5 Jonathan K. Levine, jkl@girardgibbs.com
Aaron M. Sheanin, ams@girardgibbs.com
6 Christina H. C. Sharp, chc@girardgibbs.com
601 California Street, Suite 1400
7 San Francisco, California 94108
Tel: (415) 981-4800
8 Fax: (415) 981-4846

By: _____
Jonathan Rosenberg, jrosenberg@omm.com
B. Andrew Bednark, abednark@omm.com
7 Times Square
New York, New York 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

9

Attorneys for Class Plaintiffs

Robert Stern, rstern@omm.com
1625 Eye Street NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

10

11

12

13

14

15

16

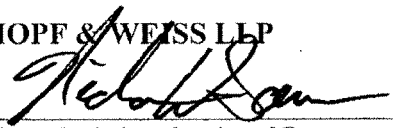
Debra S. Belaga, dbelaga@omm.com
Aaron M. Rofkahr, arofkahr@omm.com
Two Embarcadero Center, 28th Floor
San Francisco, California 94111
Tel: (415) 984-8700
Fax: (415) 984-8701

Attorneys for Defendants

17

SCHOPF & WEISS LLP

18

By: 
William G. Schopf, schopf@sw.com
19 Jose A. Lopez, lopez@sw.com
Ian H. Fisher, fisher@sw.com
20 Nicholas A. Gowen, gowen@sw.com
One South Wacker Drive; 28th Floor
21 Chicago, Illinois 60606-4617
Tel: (312) 701-9300
22 Fax: (312) 701-9335

23

Attorneys for Independence Tube Corp.

24


25

26

27

28

1 **FREELAND COOPER & FOREMAN LLP**

2 By: 
3 Stewart H. Foreman,
4 foreman@freelandlaw.com
5 Daniel T. Bernhard,
6 bernhard@freelandlaw.com
7 150 Spear Street, Suite 1800
8 San Francisco, California 94105
9 Telephone: (415) 541-0200
10 Facsimile: (415) 495-4332

11 **GRAUBARD MILLER**

12 Edward H. Pomeranz,
13 epomeranz@graubard.com
14 Caryn L. Marcus, cmarcus@graubard.com
15 The Chrysler Building
16 405 Lexington Avenue
17 New York, NY 10174-1901
18 Tel: (212) 818-8800
19 Fax: (212) 818-8881

20 *Attorneys for Twin Lane, Inc.*

21
22
23
24
25
26
27
28

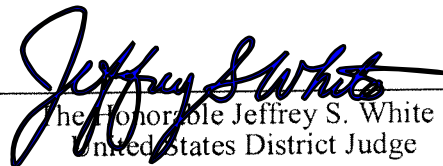
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROPOSED ORDER

Having reviewed the above stipulation, **IT IS HEREBY ORDERED** that the initial case management conference shall be held on Friday, October 2, 2009 at 1:30 p.m. A case management conference statement shall be due on or before Friday, September 25, 2009.

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Date: April 16, 2009.


The Honorable Jeffrey S. White
United States District Judge