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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

MDL No. 09-2014

**STIPULATION AND [PROPOSED]  
SCHEDULING ORDER**

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

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** Class Plaintiffs filed a Second Amended Class Action Complaint on May  
16 12, 2009;

17 **WHEREAS** by stipulated Order dated May 7, 2009, the Court entered the following  
18 schedule on Defendants' anticipated motion to dismiss:

- 19 1) Defendants shall answer, move against or otherwise respond to the Second  
20 Amended Class Action Complaint on or before June 30, 2009;
- 21 2) Should Defendants file a motion to dismiss the Second Amended Class Action  
22 Complaint, the briefing schedule on such motion shall be as follows:
- 23 a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss on  
24 or before July 30, 2009; and
- 25 b) Defendants shall file any reply in support of the motion to dismiss on or  
26 before August 21, 2009;

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

1           3) The hearing on the motion to dismiss, if the Court deems it necessary, will be  
2           held on October 2, 2009 at 9 a.m.

3           **WHEREAS** on June 9, 2009, Class Plaintiffs the Sitrin Group filed a Motion to  
4           Withdraw and Substitute Lead Plaintiff;

5           **WHEREAS** the Court issued an Order on June 10, 2009, setting the following briefing  
6           schedule on the Motion to Withdraw and Substitute Lead Plaintiff:

- 7           1) Any opposition to the motion shall be due by no later than June 26, 2009; and  
8           2) Any reply brief shall be due by no later than July 7, 2009;

9           **WHEREAS** the parties agree that in the interest of efficiency, the Motion to Withdraw  
10          and Substitute Lead Plaintiff should be resolved before Defendants file their anticipated motion  
11          to dismiss the Second Amended Complaint and that awaiting such resolution is good cause to  
12          grant a modest extension on the motion to dismiss briefing schedule;

13          **WHEREAS** the parties agree, subject to this Court's approval, that a modest extension  
14          of the motion to dismiss briefing schedule should not require a continuance of the October 2,  
15          2009 motion to dismiss hearing date;

16          **WHEREAS** the parties agree, subject to this Court's approval, to the following  
17          schedule on Defendants' anticipated motion to dismiss:

- 18          1) Defendants shall answer, move against or otherwise respond to the Second  
19          Amended Class Action Complaint within 14 days of the Court's decision on the  
20          Motion to Withdraw and Substitute Lead Plaintiff;
- 21          2) Should Defendants file a motion to dismiss the Second Amended Class Action  
22          Complaint, the briefing schedule on such motion shall be as follows:
- 23               a) Class Plaintiffs shall file any opposition to Defendants' motion to dismiss  
24               within 30 days of the filing of Defendants' motion; and
- 25               b) Defendants shall file any reply in support of the motion to dismiss within 21  
26               days of the filing of Plaintiffs' opposition.

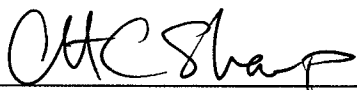
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3) The hearing on the motion to dismiss, if the Court deems it necessary, remains on calendar for October 2, 2009 at 9 a.m.


Dated: June 16, 2009

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**PROPOSED ORDER**

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

- 1) Defendants shall answer, move against or otherwise respond to the Second Amended Class Action Complaint within 14 days of the Court’s decision on the Motion to Withdraw and Substitute Lead Plaintiff;
- 2) Should Defendants file a motion to dismiss the Second Amended Class Action Complaint, the briefing schedule on such motion shall be as follows:
  - a) Class Plaintiffs shall file any opposition to Defendants’ motion to dismiss within 30 days of the filing of Defendants’ motion; and
  - b) Defendants shall file any reply in support of the motion to dismiss within 21 days of the filing of Plaintiffs’ opposition.
- 3) The hearing on the motion to dismiss, if the Court deems it necessary, remains on calendar for October 2, 2009 at 9 a.m.

**IT IS SO ORDERED.**

DATED: June 17, 2009

  
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 THE HONORABLE JEFFREY S. WHITE  
 UNITED STATES DISTRICT JUDGE