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7 **Local Counsel for Plaintiff Northstar Financial Advisors, Inc.**

8 [Additional Counsel on Signature Page]

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 _____)
 12 NORTHSTAR FINANCIAL ADVISORS,)
 INC., on Behalf of Itself and all Others)
 13 Similarly Situated,)
 14)
 Plaintiff,)
 v.)
 15 SCHWAB INVESTMENTS, CHARLES)
 SCHWAB & CO., INC., CHARLES)
 16 SCHWAB INVESTMENT MANAGEMENT,)
 INC., and SCHWAB TOTAL BOND)
 17 MARKET FUND,)
 18)
 Defendants.)
 19 _____)

Case No. C-08-4119 SI
 CLASS ACTION
**STIPULATION AND [PROPOSED] ORDER
 DISMISSING WITHOUT PREJUDICE
 CHARLES SCHWAB & CO., INC. AND
 SCHWAB TOTAL BOND MARKET FUND
 NUNC PRO TUNC**

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28 [C-08-4119 SI] STIPULATION AND [PROPOSED] ORDER DISMISSING WITHOUT
PREJUDICE CHARLES SCHWAB & CO., INC. AND SCHWAB TOTAL BOND MARKET
FUND *NUNC PRO TUNC*

1 Plaintiff Northstar Financial Advisors, Inc. (“Northstar”) and defendants Schwab
2 Investments, Charles Schwab & Co., Inc., Charles Schwab Investment Management, Inc., and
3 Schwab Total Bond Market Fund (“Defendants”), by and through their counsel, hereby jointly
4 submit a stipulated request for an order dismissing, without prejudice, Charles Schwab & Co., Inc.
5 and the Schwab Total Bond Market Fund.

6 **RECITALS**

7 **WHEREAS**, the above-captioned action *Northstar Financial Advisors v. Schwab*
8 *Investments*, et al., No. C-08-4119 SI was filed on August 28, 2008;

9 **WHEREAS**, the initial complaint named as defendants Schwab Investments, Charles
10 Schwab & Co., Inc., Charles Schwab Investment Management, Inc., and Schwab Total Bond Market
11 Fund;

12 **WHEREAS**, on February 19, 2009, this Court granted in part and denied in part the
13 defendants’ motion to dismiss and granted leave to file an amended complaint by no later than
14 March 2, 2009 (“Dismissal/Amend Order”);

15 **WHEREAS**, on March 2, 2009, Northstar filed its First Amended Complaint;

16 **WHEREAS**, the First Amended Complaint no longer asserts claims against Charles Schwab
17 & Co., Inc., or the Schwab Total Bond Market Fund;

18 **WHEREAS**, in making their assessments as to which defendants should remain in the case
19 following consideration of the Court’s Dismissal/Amend Order, Northstar did not have adequate
20 time to dismiss without prejudice Charles Schwab & Co., Inc. and Schwab Total Bond Fund prior to
21 filing its Amended Complaint on March 2, 2009;

22 **WHEREAS**, in order to avoid confusion as to which defendants are still in the case,
23 Northstar removed Charles Schwab & Co., Inc. and Schwab Total Bond Fund as defendants from
24 both the caption and the body of the Amended Complaint; and

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28 [C-08-4119 SI] STIPULATION AND [PROPOSED] ORDER DISMISSING WITHOUT
PREJUDICE CHARLES SCHWAB & CO., INC. AND SCHWAB TOTAL BOND MARKET
FUND *NUNC PRO TUNC*

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1 I, Christopher T. Heffelfinger, am the ECF user whose ID and password are being used to
2 file this Stipulation and [Proposed] Order Dismissing Without Prejudice Charles Schwab & Co., Inc.
3 and Schwab Total Bond Market Fund *Nunc Pro Tunc*. In compliance with General Order 45, X.B., I
4 hereby attest that Robert C. Finkel, co-counsel for Plaintiff Northstar, and Dorothy L Fernandez,
5 counsel for defendants, have concurred in this filing.

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7 s/ Christopher T. Heffelfinger
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