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23 ALAMEDA PUBLIC FINANCING AUTHORITY, and
24 ALAMEDA PUBLIC IMPROVEMENT CORPORATION

25 **UNITED STATES DISTRICT COURT**
26 **NORTHERN DISTRICT OF CALIFORNIA**
27 **SAN FRANCISCO DIVISION**

28 IN RE NUVEEN FUNDS/CITY OF
ALAMEDA SECURITIES LITIGATION

No. C 08-04575 SI

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE JUDGMENT, EXECUTION
AND BOND**

1 WHEREAS, in an order filed May 18, 2012, the Court taxed costs in favor of defendants
2 the City of Alameda, Alameda Power & Telecom, Alameda Public Financing Authority, and
3 Alameda Public Improvement Corporation (collectively, "Alameda") against plaintiffs Nuveen
4 Municipal High Income Opportunity Fund, the Nuveen Municipal Trust, Nuveen Asset
5 Management, Inc., and Pacific Specialty Insurance Company (collectively, "Nuveen") and the
6 Bernard Osher Trust Dated 3/8/88, Bernard A Osher, Trustee, jointly and severally, in the amount
7 of \$91,516.20,

8 WHEREAS, Nuveen has appealed the Court's 2011 Judgment granting summary judgment
9 in favor of Alameda and Alameda has appealed the Court's 2011 denial of certain fees and costs.

10 NOW THEREFORE, it is hereby stipulated that:

- 11 1. Alameda and Nuveen stipulate that the proposed judgment attached as Exhibit A is
12 acceptable as to form, without prejudice to either Alameda's or Nuveen's right to
13 pursue the appeals that they have noticed and begun to brief.
- 14 2. Alameda will not attempt to execute a judgment for costs or other award of costs
15 against Nuveen relating to this matter without providing Nuveen at least forty-five
16 days notice.
- 17 3. Nothing in this stipulation shall restrict or modify in any way Alameda's rights as
18 against Bernard Osher and/or Osher's trusts or related entities, including but not
19 limited to Alameda's right to enforce judgments or other awards of costs against
20 Osher.
- 21 4. Nuveen's motion for approval of security (Docket 292) shall be taken off calendar.

22
23 DATED: June 21, 2012

24 WULFSBERG REESE COLVIG & FIRSTMAN
25 PROFESSIONAL CORPORATION

26 By /s/ Richard E. Elder
27 RICHARD E. Elder

28 Attorneys for defendants
CITY OF ALAMEDA, *et al.*

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DATED: June 21, 2012

DAVIS & CERIANI, P.C.

By /s/ Melissa Hessler

MICHAEL P. CILLO
MELISSA J. HESSLER

Attorneys for Defendants and Counterclaimants
NUVEEN MUNICIPAL HIGH INCOME
OPPORTUNITY FUND, et al.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/26/12



The Hon. Susan Ilston
United States District Judge

Exhibit A

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NUVEEN MUNICIPAL HIGH INCOME
OPPORTUNITY FUND, *et al.*,

No. C 08-4575 SI
C 09-1437 SI

Plaintiffs,

JUDGMENT FOR COSTS

v.

CITY OF ALAMEDA, *et al.*,

Defendants.

In an order filed May 18, 2012, the Court taxed costs in favor of defendants the City of Alameda, Alameda Power & Telecom, Alameda Public Financing Authority, and Alameda Public Improvement Corporation (“defendants”) against plaintiffs Nuveen Municipal High Income Opportunity Fund, the Nuveen Municipal Trust, Nuveen Asset Management, Inc., Pacific Specialty Insurance Company and the Bernard Osher Trust Dated 3/8/88, Bernard A Osher, Trustee (“plaintiffs”), jointly and severally, in the amount of \$91,516.20.

Accordingly, judgment is entered against plaintiffs jointly and severally and in favor of defendants in the amount of \$91,516.20.

IT IS SO ORDERED AND ADJUDGED.

Dated: June __, 2012

SUSAN ILLSTON
United States District Judge