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5 Attorneys for Defendants  
6 Merrill Lynch, Pierce, Fenner & Smith Incorporated  
and Arif Ahmed

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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 GREGORY J. BATY,  
11 Plaintiff,

12 v.

13 ARIF AHMED, MERRILL LYNCH,  
14 PIERCE, FENNER & SMITH,  
INCORPORATED, and DOES 1-100,  
15 Defendants.

) Case No. C 09-00009 SC

) **STIPULATION TO SUBMIT CLAIMS TO**  
) **ARBITRATION BEFORE FINRA;**  
) **[PROPOSED] ORDER UPON PARTIES'**  
) **STIPULATION COMPELLING**  
) **ARBITRATION OF PLAINTIFFS' CLAIMS**  
) **AND STAYING FURTHER COURT**  
) **PROCEEDINGS PENDING ARBITRATION**

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17 By and through their counsel, plaintiff Gregory J. Baty and defendants Merrill  
18 Lynch, Pierce, Fenner & Smith, Incorporated (hereinafter "Merrill Lynch") and Arif Amed  
19 (hereinafter "Amed") (collectively, "Defendants"), agree as follows:

- 20 1. Pursuant to the terms of a written arbitration agreement between Plaintiff  
21 and Merrill Lynch, Plaintiff shall submit his claims against defendants  
22 Merrill Lynch and Arif Ahmed to arbitration before the Financial Industry  
23 Regulatory Authority, Inc. ("FINRA");  
24 2. The parties agree that it would be appropriate for, and therefore ask the  
25 Court to stay further proceedings before this Court pending resolution of  
26 arbitration proceedings before FINRA;  
27 3. The parties agree that it would be appropriate for, and therefore ask the  
28 Court to direct the parties to give the Court written notice within thirty

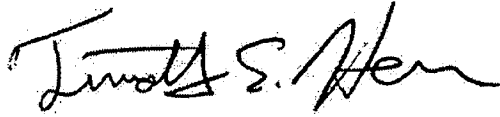
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(30) days of the resolution of the FINRA arbitration proceeding; and

4. The parties agree that it would be appropriate for, and Plaintiff therefore asks that, the Court dismiss the Doe defendants without prejudice.

Dated: January 13, 2009

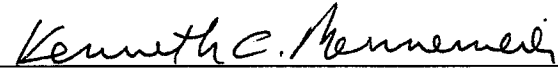
HERR & ZAPALA, LLP



Timothy E. Herr, Attorneys for Plaintiff  
Gregory J. Baty

Dated: January 13, 2009

MENNEMEIER, GLASSMAN & STROUD LLP  
KENNETH C. MENNEMEIER  
LONDON D. BAILEY

By:   
Kenneth C. Mennemeier, Attorneys for Defendants  
Merrill Lynch, Pierce, Fenner & Smith Incorporated  
and Arif Ahmed

**ORDER**

Based on the parties' Stipulation, and good cause appearing, the Court orders:

1. Plaintiff shall submit his claims against defendants Merrill Lynch and Arif Ahmed to arbitration before FINRA;
2. Further proceedings before this Court are stayed pending resolution of the arbitration proceedings before FINRA;
3. The parties are directed to give the Court written notice within thirty (30) days of the resolution of the FINRA arbitration proceeding; and
4. The Court dismisses Plaintiff's claims against the Doe defendants without prejudice.

IT IS SO ORDERED.

Dated: January 15, 2009

The Honorable  
United States

