Lucia Nale, Esq. (*Pro Hac Vice*)
Debra Bogo-Ernst, Esq. (*Pro Hac Vice*)
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 782-0600
Fax: (312) 701-7711
DErnst@mayerbrown.com
LNale@mayerbrown.com

William I. Edlund, Esq. (State Bar No. 20513)
Howard I. Miller, Esq. (State Bar No. 251878)
Bartko, Zankel, Tarrant & Miller
900 Front Street, Suite 300
San Francisco, CA 94111
Telephone: (415) 956-1900
Fax: (415) 956-1152
bedlund@bztm.com
hmiller@bztm.com

Attorneys for Defendant CITIBANK, N.A.

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

DAVID LEVIN, an individual, on his own behalf and on behalf of others similarly situated, Plaintiff, v. CITIBANK, N.A., a national banking association, Defendant.	Case No. C09-00350-MMC **STIPULATION AND ORDER WITH RESPECT TO DEFENDANT CITIBANK'S MEMORANDUM IN SUPPORT OF RULE 12(f) MOTION TO STRIKE CERTAIN ALLEGATIONS IN PLAINTIFF'S COMPLAINT (DOCKET NO. 37)** Date: July 17, 2009 Time: 9:00 a.m. Judge: Hon. Maxine M. Chesney Complaint filed: January 26, 2009

Defendant CITIBANK N.A. ("Citibank") by its attorney William I. Edlund erroneously filed on June 5, 2009 a draft of Defendant Citibank's Memorandum in Support of Rule 12(f) Motion to Strike Certain Allegations in Plaintiff's Complaint (Docket No. 37) and Citibank having now filed on June 9, 2009 as a corrected filing, Defendant Citibank's Memorandum in

Support of Rule 12(f) Motion to Strike Certain Allegations in Plaintiff's Complaint [Corrected] (Docket No. 40), and the parties agree that the corrected filing does not affect the timeliness of the motion, it is hereby stipulated that Docket No. 37 which was filed in error be deleted from the filing in ECF and all records in this case.

William I. Edlund
Attorneys for Defendant CITIBANK, N.A.

David Parisi
Attorney for Plaintiff David Levin

Dated June 10, 2009

IT IS SO ORDERED; the Clerk shall remove Document # 37 from the docket.

Dated: June 11, 2009

United States District Court