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 17 merger to Defendant WACHOVIA BANK, N.A.) and  
 Defendant METROPOLITAN WEST SECURITIES LLC

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

20	STATE COMPENSATION INSURANCE )	<b>CASE NO.: CV 09 02959 JSW (EDL)</b>
21	FUND, )	
22	Plaintiff, )	<b>STIPULATION AND <del>PROPOSED</del></b>
23	vs. )	<b>ORDER TO PERMIT EXPEDITED</b>
24	METROPOLITAN WEST SECURITIES )	<b>BRIEFING ON MOTION TO COMPEL</b>
25	LLC, a California limited liability company,; )	<b>AND MOTION FOR PROTECTIVE</b>
26	WACHOVIA BANK, N.A.; DOES 1 through )	<b>ORDER CONCERNING EVERGREEN</b>
27	10 inclusive; and DOES 11 through 20 )	<b>AS MODIFIED</b>
	inclusive, )	
	Defendants. )	

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**STIPULATION**

Plaintiff State Compensation Insurance Fund, Defendants Wachovia Bank, N.A. and Metropolitan West Securities LLC (collectively, “Defendants”), and Non-Parties Wells Capital Management, Inc. and Wells Fargo Funds Management, LLC (collectively, “Wells Fargo”), hereby stipulate as follows:

WHEREAS, Plaintiff filed a Motion to Compel Production of Documents from Defendants regarding documents related to Evergreen Investment Management Company, LLC (“Evergreen”), which is currently set to be heard on December 20, 2011;

WHEREAS, Wells Fargo filed a Motion for Protective Order and to Quash with respect to certain subpoenas served by State Fund on Wells Fargo, which subpoenas also seek information related to Evergreen, and which motion also is currently set to be heard on December 20, 2011;

WHEREAS, the fact discovery deadline is December 2 as to written discovery and December 9 as to deposition discovery, and expert reports are due on December 16, 2011;

WHEREAS, in light of these deadlines, the parties have agreed to an expedited briefing schedule and hearing on both motions, subject to the Court’s approval;

THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES AND NON-PARTIES, THROUGH THEIR COUNSEL OF RECORD, as follows:

- 1. The hearings on both Motions shall take place on December 13, 2011, at ~~9:00 a.m.~~ 2:00 p.m., in Courtroom E, 15<sup>th</sup> Floor, before the Honorable Elizabeth D. Laporte;
- 2. Any opposition papers shall be filed and served on November 29, 2011; and
- 3. Any reply papers shall be filed and served on December 5, 2011 at noon.

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**IT IS SO STIPULATED:**

Dated: November 21, 2011

BARGER & WOLEN LLP

By: /s/ J. Russell Stedman  
J. RUSSELL STEDMAN  
Attorneys for Plaintiff State  
Compensation Insurance Fund

Dated: November 21, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ James C. Rutten  
JAMES C. RUTTEN  
Attorneys for Wells Fargo Bank, N.A.  
(successor by merger to Defendant  
Wachovia Bank, N.A.) and Defendant  
Metropolitan West Securities LLC

Dated: November 21, 2011


KING & SPALDING LLP

By: /s/ Leo Spooner III  
LEO SPOONER III  
Attorneys for non-parties WELLS  
CAPITAL MANAGEMENT, INC. and  
WELLS FARGO FUNDS  
MANAGEMENT, LLC

\* \* \* \* \*

PURSUANT TO STIPULATION, AND GOOD CAUSE HAVING BEEN SHOWN, **IT IS SO ORDERED.** AS MODIFIED

DATED: November 22, 2011

  
The Honorable Elizabeth D. Laporte  
United States Magistrate Judge