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

28 **UNITED STATES DISTRICT COURT**

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

30 STATE COMPENSATION INSURANCE) CASE NO.: CV 09 02959 JSW (EDL)
31 FUND,)
32 Plaintiff,) STIPULATION AND [PROPOSED]—
33 vs.) ORDER REGARDING EXPERT
34) DISCLOSURE DEADLINES
35 METROPOLITAN WEST SECURITIES)
36 LLC, a California limited liability company,;)
37 WACHOVIA BANK, N.A.; DOES 1 through)
38 10 inclusive; and DOES 11 through 20)
39 inclusive,)
40 Defendants.)
41 _____)

STIPULATION

Plaintiff State Compensation Insurance Fund and Defendants Wachovia Bank, N.A. and
Metropolitan West Securities LCC 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, Non-Parties Wells Capital Management, Inc. and Wells Fargo Funds Management, LLC filed a Motion for Protective Order and to Quash with respect to certain subpoenas that Plaintiff served, which subpoenas also seek discovery pertaining 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, the parties have submitted a stipulation and proposed order to the Magistrate Judge to expedite the briefing schedule and hearing on the motions, which if approved would result in the hearing being on December 13, 2011;

WHEREAS, due to the Evergreen-related discovery motions, and the discovery and deposition related thereto, the parties wish to reserve the right to submit supplemental expert reports based on the Evergreen evidence;

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

Opening expert reports are currently due December 16, 2011. In the event a deposition transcript (unsigned and uncorrected) of the Rule 30(b)(6) designee of Evergreen's successor(s) (which deposition is the subject of the Motion for Protective Order and to Quash) is not available seven days prior to these opening reports being due, any party may supplement its opening report within seven (7) days of receipt of such unsigned and uncorrected transcript. Such supplement shall relate exclusively to the Evergreen evidence that is the subject of the motions. If and only if a party so supplements its opening report, the opposing party has the right to file a rebuttal to that supplemental report. Expert rebuttal reports are currently due January 13, 2012. Consequently, any

1 rebuttal expert report which responds to a supplemental report on the Evergreen evidence would be
2 due either January 13, 2012 or seven (7) days after receipt of the supplemental opening report,
3 whichever is later.

4 All other pre-trial deadlines remain unchanged.

5 **IT IS SO STIPULATED:**

6 Dated: November 21, 2011

BARGER & WOLEN LLP

7
8 By: /s/ J. Russell Stedman
9 J. RUSSELL STEDMAN
10 Attorneys for Plaintiff State
11 Compensation Insurance Fund

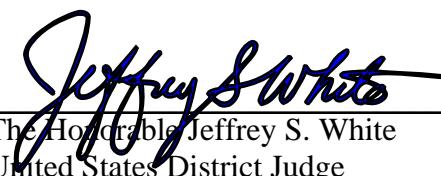
12 Dated: November 21, 2011

MUNGER, TOLLES & OLSON LLP

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

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

22 DATED: November 28, 2011

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25 The Honorable Jeffrey S. White
26 United States District Judge