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7   (successor by merger to Defendant WACHOVIA
     BANK, N.A.) and Defendant METROPOLITAN
8   WEST SECURITIES LLC

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10   UNITED STATES DISTRICT COURT

11   NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

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STATE COMPENSATION INSURANCE FUND,	CASE NO. CV 09-02959 JSW (EDL)
Plaintiff,	**STIPULATION AND [PROPOSED] ORDER CONTINUING EXPERT DISCOVERY CUTOFF ONLY**
vs.	
METROPOLITAN WEST SECURITIES LLC; WACHOVIA BANK, N.A.; DOES 1 through 10, inclusive; and DOES 11 through 20, inclusive,	
Defendants.	

16371925.2   CASE NO. CV 09-2959 JSW (EDL)

STIPULATION AND [PROPOSED] ORDER CONTINUING EXPERT DISCOVERY CUTOFF ONLY

1   Plaintiff State Compensation Insurance Fund ("State Fund") and Wells Fargo Bank, N.A.

2 (successor by merger to Defendant Wachovia Bank, N.A.) and Defendant Metropolitan West

3 Securities LLC (collectively, "Defendants") stipulate as follows:

4   WHEREAS the Court entered stipulated orders on August 22, 2011 (Dkt. No. 106),[1]

5 November 14, 2011 (Dkt No. 130),[2] November 28, 2011 (Dkt. No. 142),[3] and December 9, 2011

6 (Dkt. No. 159),[4] that together set the following case schedule:

7   Fact discovery cutoff: December 2, 2011

8   Disclosure of experts and reports: December 22, 2011 (12:00 p.m.)

9   Disclosure of rebuttal experts and reports: January 26, 2012

10   Expert discovery cutoff: February 20, 2012

11   Completion of mediation: March 13, 2012

12   Dispositive motion hearing date: March 30, 2012 (9:00 a.m.)

13   Final pretrial conference: May 21, 2012

14   Trial: June 11, 2012

15   WHEREAS the parties have completed disclosures of experts and reports and rebuttal

16 experts and reports, and will be taking six expert depositions between them;

17   WHEREAS the attorneys and certain of the experts have conflicts that have proven to

18 make scheduling six depositions in a two-week period (allowing one week to review rebuttal

19 reports and conduct document discovery) very difficult;

20   WHEREAS the parties have met and conferred and agreed to a schedule for all six

21 depositions between now and March 2, 2012, which schedule lessens the burdens on the parties,

22 their counsel, and their experts;

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[1] This order continued various case deadlines, pursuant to the parties' stipulation.

[2] This order continued the cutoff for fact depositions only, pursuant to stipulation.

[3] This order permitted the parties to supplement expert reports in light of a deposition not yet taken because it was (and still is) the subject of pending motion practice, pursuant to stipulation.

[4] This order continued expert discovery, dispositive motion, and mediation deadlines while leaving all subsequent pretrial and trial dates the same.

16371925.2   1   CASE NO. CV 09-2959 JSW (EDL)

STIPULATION AND [PROPOSED] ORDER CONTINUING EXPERT DISCOVERY CUTOFF ONLY

1   WHEREAS the parties believe that if the expert discovery cutoff is continued to March 2,

2 2012 to accommodate this deposition schedule, all other case deadlines (including the trial date)

3 may remain in place;

4   NOW THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE

5 PARTIES HERETO AND THEIR COUNSEL OF RECORD THAT the expert discovery cutoff

6 be continued to March 2, 2012, with all subsequent deadlines (including pretrial and trial dates) to

7 remain the same.

8

9

10 Date: February 6, 2012   MUNGER, TOLLES & OLSON LLP

11

12   By: /s/ *James C. Rutten*
                                                 James C. Rutten
13
                                          Attorneys for Defendants WELLS FARGO
14   BANK, N.A. (successor by merger to
                                          WACHOVIA BANK, N.A.) and
15   METROPOLITAN WEST SECURITIES LLC

16

17 Date: February 6, 2012   BARGER & WOLEN LLP

18

19   By: /s/ *J. Russell Stedman*
                                                 J. Russell Stedman
20
                                          Attorneys for Plaintiff STATE
21   COMPENSATION INSURANCE FUND

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23   *   *   *   *   *

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25 PURSUANT TO STIPULATION, IT IS SO ORDERED:

26 DATED: February 7, 2012   _____

27   The Honorable Jeffrey S. White
                                          United States District Court Judge
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16371925.2   2   CASE NO. CV 09-2959 JSW (EDL)

STIPULATION AND [PROPOSED] ORDER CONTINUING EXPERT DISCOVERY CUTOFF ONLY