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 12 (successor by merger to Defendant WACHOVIA  
 13 BANK, N.A.) and Defendant METROPOLITAN  
 14 WEST SECURITIES LLC

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

17 STATE COMPENSATION INSURANCE  
 18 FUND,

19 Plaintiff,

20 vs.

21 METROPOLITAN WEST SECURITIES  
 22 LLC; WACHOVIA BANK, N.A.; DOES  
 23 1 through 10, inclusive; and DOES 11  
 24 through 20, inclusive,

25 Defendants.

CASE NO. CV 09-02959 JSW (EDL)

**STIPULATION AND ~~PROPOSED~~ ORDER  
 MODIFYING BRIEFING SCHEDULE ON  
 SUMMARY JUDGMENT MOTIONS IN  
 LIGHT OF AGREEMENT RE ADR  
 PROCEDURE**

1 WHEREAS on February 24, 2012, the parties filed cross-motions for summary judgment,  
2 which motions originally were scheduled to be heard on March 30, 2012;

3 WHEREAS on March 5, 2012, the parties submitted a stipulation to slightly modify the  
4 briefing schedule on the cross-motions, such that opposition papers would be due by March 12,  
5 2012 and reply papers would be due by March 21, 2012;

6 WHEREAS on March 6, 2012, the parties attended a mediation before Mr. Antonio  
7 Piazza;

8 WHEREAS while the parties were mediating, the Court entered an order approving the  
9 parties' previously submitted stipulation regarding the briefing on the cross-motions, and at the  
10 same time, *sua sponte* continuing the hearing on the cross-motions to May 25, 2012 and vacating  
11 all other pretrial and trial dates;

12 WHEREAS as a result of the mediation, the parties have agreed in principle to resolve  
13 their disputes through a binding alternative dispute resolution ("ADR") procedure, subject to  
14 Defendants providing final assent to such agreement by no later than Friday, March 9, 2012;

15 WHEREAS in light of the parties' agreement to an ADR procedure (subject to final assent  
16 by Defendants by March 9, 2012), in light of the continued need for that final assent, and in light  
17 of the lengthy continuance of the hearing on the cross-motions, the parties mutually desire to  
18 conserve their resources by refraining from preparing their papers in opposition to the cross-  
19 motions for submission by March 12, 2012;

20 WHEREAS while such final assent is pursued, the parties mutually desire to extend the  
21 previously stipulated deadlines to submit their opposition and reply papers;

22 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES  
23 HERETO AND THEIR COUNSEL OF RECORD THAT (1) the parties' respective papers in

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