

1 MORGAN, LEWIS & BOCKIUS LLP
 2 JAMI WINTZ MCKEON (SBN 237923)
 3 jmckeon@morganlewis.com
 4 ELIZABETH A. FROHLICH (SBN 195454)
 5 efrohlich@morganlewis.com
 6 One Market, Spear Street Tower
 7 San Francisco, CA 94105-1126
 8 Tel: 415.442.1000
 9 Fax: 415.442.1001

6 MORGAN, LEWIS & BOCKIUS LLP
 7 CHRISTIAN J. MIXTER
 8 cmixter@morganlewis.com
 9 1111 Pennsylvania Avenue, NW
 10 Washington, DC 20004-2541
 11 Tel: 202.739.3000
 12 Fax: 202.739.3001

10 Attorneys for Defendant
 11 Deutsche Bank Securities Inc.

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15 LOUISIANA PACIFIC CORPORATION,

16 Plaintiff,

17 vs.

18 MONEY MARKET 1 INSTITUTIONAL
 19 INVESTMENT DEALER, MERRILL
 20 LYNCH & CO., INC., MERRILL
 21 LYNCH, PIERCE, FENNER & SMITH
 22 INCORPORATED, AND DEUTSCHE
 23 BANK SECURITIES INC.,

24 Defendants.

Case No. C 09 03529 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING MEDIATION**

23 Plaintiff Louisiana Pacific Corporation (“LP”) and Defendant Deutsche Bank Securities
 24 Inc. (“DBSI”), acting through their respective counsel, enter into the below stipulation:

25 WHEREAS, the Court, on January 5, 2012, ordered the parties to submit a stipulation and
 26 proposed order selecting either private mediation or court mediation;

27
 28

1 WHEREAS, LP and DBSI met and conferred regarding mediation and agreed upon
2 private mediation;¹

3 WHEREAS, the Court, on January 5, 2012, ordered the parties to complete the first round
4 of mediation by April 4, 2012;

5 IT IS THEREFORE STIPULATED AND AGREED, by and between LP and DBSI,
6 acting through their respective counsel, subject to this Court’s approval, that LP and DBSI shall
7 participate in private mediation, the first round of which shall be completed by April 4, 2012.

9 Dated: January 19, 2012

/s/ Andrew C. Shen
Attorney for Plaintiff
Louisiana Pacific Corporation

13 Dated: January 19, 2012

/s/ Christian J. Mixter
Attorney for Defendant
Deutsche Bank Securities Inc.

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 Dated: January 30, 2012.


Jeffrey S. White
Hon. Jeffrey S. White
United States District Judge

26 ¹ Defendant Money Market 1 Institutional Investment Dealer (“MM1”) has declined to
27 meet and confer with LP and DBSI regarding mediation and to join this stipulation. MM1
28 maintains that this matter remains stayed as against MM1, including all discovery and other
proceedings, pursuant to the Private Securities Litigation Reform Act until resolution of its
motion to dismiss, which is pending before Judge Preska in the Southern District of New York in
case numbers 1:09-MD-02030-LAP and 1:09-CV-09887-LAP.