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10 *Attorneys for Defendant*
 11 Deutsche Bank Securities Inc.

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 THE ANSCHUTZ CORPORATION,

16 Plaintiff,

17 vs.

18 MERRILL LYNCH & CO., INC.;
 19 MERRILL LYNCH, PIERCE, FENNER &
 20 SMITH, INC.; MOODY'S INVESTORS
 21 SERVICE, INC.; THE MCGRAW-HILL
 22 COMPANIES, INC.; FITCH, INC.; AND
 23 FITCH RATINGS, INC.,

24 Defendants

Case No. C 09-03780-SI

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE THE HEARING
 ON DEFENDANTS' MOTIONS TO
 DISMISS THE FIRST AMENDED
 COMPLAINT AND TO RESCHEDULE
 THE CASE MANAGEMENT
 CONFERENCE**

Judge: Hon. Susan Illston

Complaint filed: August 17, 2009
 First Amend. Complaint filed: March 19, 2010

CASE NO. C 09-03780-SI

STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE HEARING ON DEFENDANTS'
 MOTIONS TO DISMISS AND TO RESCHEDULE THE CASE MANAGEMENT CONFERENCE

1 Plaintiff The Anschutz Corporation (“Plaintiff”), and Defendants Deutsche Bank
2 Securities Inc. (“DBSI”), Fitch, Inc., Fitch Ratings Ltd, and The McGraw-Hill Companies, Inc.
3 (“McGraw-Hill,” and collectively “Defendants”), by and through their counsel of record, hereby
4 stipulate as follows:

5 WHEREAS, Plaintiff filed a First Amended Complaint on March 19, 2010;

6 WHEREAS, the Court issued its order denying DBSI’s motion to transfer venue pursuant
7 to 28 U.S.C. § 1404(a) on April 13, 2010;

8 WHEREAS, the parties previously stipulated and the Court ordered that if DBSI’s motion
9 to transfer was denied, the Defendants would have 30 days after such order was entered to answer
10 or otherwise respond to Plaintiff’s operative pleading (*i.e.* May 13, 2010), if any defendant filed a
11 motion to dismiss, Plaintiff would serve its opposition within 45 days after service of any such
12 motion to dismiss (*i.e.* June 28, 2010), and Defendants would have 30 days to serve any reply (*i.e.*
13 July 30, 2010) (the “Previous Stipulation and Court Order”);

14 WHEREAS, on May 13, 2010, Defendants filed the following motions:

- 15 • DBSI filed (1) a Motion to Dismiss Plaintiff’s First Amended Complaint; (2) a Motion
16 to Strike Portions of Plaintiff’s First Amended Complaint; and (3) a Request for
17 Judicial Notice in Support of Its Motion to Dismiss Plaintiff’s First Amended
18 Complaint;
- 19 • Fitch, Inc., Fitch Ratings Ltd, and McGraw-Hill (collectively, the “Rating Agencies”)
20 filed (1) a Joint Motion to Dismiss the First Amended Complaint; and (2) a Request
21 for Judicial Notice; and
- 22 • Fitch Ratings Ltd filed a Motion to Dismiss the First Amended Complaint for Lack of
23 Personal Jurisdiction Pursuant to Rule 12(b)(2) (collectively, “Defendants’ Motions”
24 or the “Motions”);

25 WHEREAS, Defendants inadvertently noticed each of the aforementioned motions for
26 hearing on June 18, 2010, in accordance with the Court’s Local Rules, rather than the terms of the
27 Previous Stipulation and Court Order;

28 ///

1 WHEREAS, on May 17, 2010, the Court issued a Notice that the hearings on Defendants'
2 Motions were continued to Friday, July 9, 2010, some 21 days before Defendants' Reply briefs
3 are currently due;

4 WHEREAS, Plaintiff and Defendants have met and conferred with regard to a hearing
5 date on Defendants' Motions and agree to continue the hearing date to September 24, 2010 at
6 9:00 a.m. to allow Defendants to file their reply briefs prior to the hearing date and in accordance
7 with the Previous Stipulation and Court Order;

8 WHEREAS, a case management conference is currently scheduled for June 18, 2010; and

9 WHEREAS, all discovery has been stayed pending resolution of Defendants' motions to
10 dismiss;

11 IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiff and
12 Defendants, acting through their respective counsel, subject to this Court's approval, as follows:

- 13 1. The hearing on Defendants' Motions shall be continued to September 24, 2010 at 9:00
- 14 a.m.; and
- 15 2. The case management conference currently scheduled for June 18, 2010 shall be
- 16 rescheduled to a date after the pending motions to dismiss are resolved.

17
18 Dated: May 26, 2010

18 /s/ Andrew C. Shen

19 Mark C. Hansen
 20 David L. Schwarz (206257)
 21 Kevin J. Miller (*pro hac vice*)
 22 Andrew C. Shen (*pro hac vice*)
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Attorneys for The Anschutz Corporation

1 Dated: May 26, 2010

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Ltd*

13 Dated: May 26, 2010

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23 Dated: May 26, 2010

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2010



Honorable Susan Illston
United States District Judge

The initial case management conference has been continued to Friday, October 1, 2010, at 2:30 p.m.

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GENERAL ORDER 45 CERTIFICATION

I, Elizabeth A. Frohlich, hereby attest pursuant to N.D. Cal. General Order No. 45 that the concurrences to the filing of this document has been obtained from each signatory hereto.

Dated: May 26, 2010

MORGAN, LEWIS & BOCKIUS LLP
Jami Wintz McKeon
Elizabeth A. Frohlich

By /s/ Elizabeth A. Frohlich
Elizabeth A. Frohlich

Attorneys for Defendant
Deutsche Bank Securities Inc.