

1 MORGAN, LEWIS & BOCKIUS LLP  
 2 JAMI WINTZ MCKEON, State Bar No. 237923  
 3 ELIZABETH A. FROHLICH, State Bar No. 195454  
 4 One Market, Spear Street Tower  
 5 San Francisco, CA 94105-1126  
 6 Tel: 415.442.1000  
 7 Fax: 415.442.1001  
 8 jmckeon@morganlewis.com  
 9 efrohlich@morganlewis.com

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

10 Attorneys for Defendant  
 11 Deutsche Bank Securities Inc.

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

16 THE ANSCHUTZ CORPORATION,

17 Plaintiff,

18 vs.

19 MERRILL LYNCH & CO., INC.;  
 20 MERRILL LYNCH, PIERCE, FENNER &  
 21 SMITH, INC.; DEUTSCHE BANK  
 22 SECURITIES INC.; MOODY'S  
 23 INVESTORS SERVICE, INC.; THE  
 24 McGRAW-HILL COMPANIES, INC.;  
 25 FITCH, INC.; AND FITCH RATINGS,  
 26 INC.,

27 Defendants

Case No. C 09-03780-SI

**STIPULATION AND ~~[PROPOSED]~~  
 ORDER EXTENDING DEFENDANTS'  
 TIME TO ANSWER PLAINTIFF'S FIRST  
 AMENDED COMPLAINT**

Judge: Hon. Susan Illston

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

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

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

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

- 7 • DBSI filed (1) a Motion to Dismiss Plaintiff’s First Amended Complaint; (2) a Motion  
8 to Strike Portions of Plaintiff’s First Amended Complaint; and (3) a Request for  
9 Judicial Notice in Support of Its Motion to Dismiss Plaintiff’s First Amended  
10 Complaint;
- 11 • Fitch, Inc., Fitch Ratings Ltd, and McGraw-Hill (collectively, the “Rating Agencies”)  
12 filed (1) a Joint Motion to Dismiss the First Amended Complaint; and (2) a Request  
13 for Judicial Notice; and
- 14 • Fitch Ratings Ltd filed a Motion to Dismiss the First Amended Complaint for Lack of  
15 Personal Jurisdiction Pursuant to Rule 12(b)(2) (collectively, “Defendants’ Motions”  
16 or the “Motions”);

17 WHEREAS, on March 27, 2011, the Court granted in part and denied in part DBSI’s  
18 motion to dismiss, denied DBSI’s motion to strike, denied the Rating Agencies’ motion to  
19 dismiss, and granted Fitch Ratings Ltd’s motion to dismiss;

20 WHEREAS, pursuant to Federal Rule of Civil Procedure, Rule 12(a)(4)(a), the last day  
21 for Defendants to answer Plaintiff’s First Amended Complaint is April 11, 2011; and

22 WHEREAS, the parties have agreed that Defendants shall have until April 22, 2011 to file  
23 an answer Plaintiff’s First Amended Complaint.

24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 IT IS THEREFORE STIPULATED AND AGREED, by and between Plaintiff and  
2 Defendants, acting through their respective counsel, subject to this Court's approval, that  
3 Defendants shall have until April 22, 2011 to answer Plaintiff's First Amended Complaint.  
4

5 Dated: April 8, 2011

/s/ Andrew C. Shen

6 Mark C. Hansen  
7 David L. Schwarz (206257)  
8 Kevin J. Miller (pro hac vice)  
9 Andrew C. Shen (pro hac vice)  
10 KELLOGG, HUBER, HANSEN, TODD,  
11 EVANS & FIGEL, P.L.L.C.  
12 1615 M Street, N.W., Suite 400  
13 Washington, D.C. 20036

14 R. Alexander Saveri (173102)  
15 Geoffrey C. Rushing (126910)  
16 SAVERI & SAVERI, INC.  
17 706 Sansome Street  
18 San Francisco, CA 94111-5619

19 Attorneys for The Anschutz Corporation

20 Dated: April 8, 2011

/s/ Jonathan A. Patchen

21 Stephen E. Taylor (58452)  
22 Jonathan A. Patchen (237346)  
23 Stephen McG. Bundy (253017)  
24 TAYLOR AND COMPANY LAW  
25 OFFICES, LLP  
26 One Ferry Building, Suite 355  
27 San Francisco, CA 94111

28 Martin Flumenbaum (pro hac vice)  
Roberta A. Kaplan (pro hac vice)  
Andrew J. Ehrlich (pro hac vice)  
Tobias J. Stern (pro hac vice)  
PAUL, WEISS, RIFKIND, WHARTON &  
GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019

*Attorneys for Fitch, Inc. and Fitch Ratings Ltd*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Dated: April 8, 2011

/s/ David T. Biderman  
David T. Biderman (101577)  
Farschad Farzan (215194)  
PERKINS COIE LLP  
1620 26th Street, Sixth Floor, South Tower  
Santa Monica, CA 90404

Floyd Abrams  
S. Penny Windle  
Tammy L. Roy  
CAHILL GORDON & REINDEL LLP  
80 Pine Street  
New York, NY 10005

*Attorneys for The McGraw-Hill Companies,  
Inc.*


Dated: April 8, 2011

/s/ Elizabeth A. Frohlich  
Jami Wintz McKeon (237923)  
Elizabeth A. Frohlich (195454)  
Christian J. Mixter  
MORGAN, LEWIS & BOCKIUS, LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105

*Attorneys for Deutsche Bank Securities Inc.*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 4/13/11, 2011

  
\_\_\_\_\_  
Honorable Susan Illston  
United States District Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**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: April 8, 2011

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

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

Attorneys for Defendant  
*Deutsche Bank Securities Inc.*