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11 Attorneys for Defendants American  
 Express Company and American Express  
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13 [additional counsel listed on signature page]

14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 MINDY N. Pagsolingan, on Behalf of  
 Herself and All Others Similarly Situated,  
 18 Plaintiff;  
 19 v.  
 20 AMERICAN EXPRESS COMPANY and  
 AMERICAN EXPRESS CENTURION  
 21 BANK,  
 Defendants.

Case No. C09-05039 CRB

**STIPULATION AND [PROPOSED] ORDER  
 TO STAY LITIGATION**

Date Action Filed: October 22, 2009

23 Plaintiff Mindy N. Pagsolingan (“Plaintiff”), on Behalf of Herself and All Others Similarly  
 24 Situated (the purported “Class”), and Defendants American Express Company and American Express  
 25 Centurion Bank (“Defendants”) by and through their respective counsel, and pursuant to United  
 26 States District Court, Northern District of California Civil Local Rule 6-2, hereby stipulate and  
 27 respectfully request that the Court stay this litigation, including all pending deadlines and hearings,  
 28 up to and including May 28, 2010. In support of this stipulation, the Parties state as follows:

1           1.       This case (the “California Action”) is related to another action pending in the United  
2 States District Court for the District of New Jersey, *G.R. Homa, individually and on behalf of all*  
3 *others similarly situated, v. American Express Company and American Express Centurion Bank*, 06-  
4 cv-02985 (JAP) (the “New Jersey Action”). The allegations in both the California Action and the  
5 New Jersey Action concern the rebate feature of the “Blue Cash” credit card. The New Jersey  
6 Action seeks to certify a class of “consumers residing in New Jersey,” while the California Action  
7 seeks to certify a class of “consumers who reside or resided in the State of California.”

8           2.       The parties have completed substantial discovery in the New Jersey Action, and now  
9 have engaged in settlement discussions. The Court in the New Jersey Action recently extended the  
10 fact discovery period in the New Jersey Action to June 1, 2010, to provide the parties with additional  
11 time in which to engage in settlement discussions before being required to complete the remaining  
12 fact discovery.

13           3.       In light of the above, and in furtherance of the on-going settlement discussions, which  
14 also address the claims asserted in the California Action, the parties believe a stay of the California  
15 Action is appropriate. The parties thus request that the Court continue the Initial Case Management  
16 Conference, currently set for March 26, 2010 at 8:30 a.m., to May 28, 2010 at 8:30 a.m., or at such  
17 date and time as the Court may determine. At that time, the Parties will apprise the Court as to the  
18 status of the settlement efforts, and the Court will set a deadline for Defendants to respond to the  
19 amended complaint.

20           IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, through their  
21 respective counsel, to stay this litigation, including all pending deadlines and hearings, up to and  
22 including May 28, 2010, or to such other date and time as the Court deems reasonable and just.

23 Dated: March 15, 2010

STULL, STULL & BRODY

24 By: /s/ Patrice L. Bishop

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**Counsel for Plaintiff Mindy Pagsoligan**  
GREENBERG TRAUERIG, LLP

Dated: March 15, 2010

By: /s/ Karen Rosenthal  
Louis Smith  
William J. Goines  
Karen Rosenthal  
Cindy Hamilton

**Counsel for Defendants American  
Express Company and American Express  
Centurion Bank**

**ATTESTATION CLAUSE**

I, Karen Rosenthal, am the ECF User whose ID and password are being used to file this  
STIPULATION TO STAY ACTION. In compliance with General Order 45, X.B., I hereby attest  
that Patrice L. Bishop has concurred in this filing.

Dated: March 15, 2010.

/s/ Karen Rosenthal  
Karen Rosenthal

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~~PROPOSED~~ ORDER

IT IS SO ORDERED.

Dated: March 23, 2010.

Honorable Charles R. Breyer  
Judge, United States

