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 12 Financial Network, LLC, Wachovia Capital Markets,  
 LLC, Wells Fargo Advisors, LLC, Wells Fargo  
 13 Advisors Financial Network, LLC, Wells Fargo  
 Securities, LLC, Wells Fargo & Company

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION  
 17

18 THEODORE KAGAN, JAMES AVEN, LAURA  
 19 JACOBS, JOSEPH SOFFE, and ALBERKRACK  
 20 FAMILY LIMITED PARTNERSHIP, on behalf  
 of themselves and all others similarly situated,

21 Plaintiffs,

22 v.

23 WACHOVIA SECURITIES, LLC, a North  
 Carolina limited liability company; WACHOVIA  
 SECURITIES FINANCIAL NETWORK, LLC, a  
 24 North Carolina limited liability company;  
 WACHOVIA CAPITAL MARKETS, LLC, a  
 25 North Carolina limited liability company;  
 WELLS FARGO ADVISORS, LLC, a Delaware  
 26 limited liability company; WELLS FARGO  
 ADVISORS FINANCIAL NETWORK, LLC, a  
 27 Delaware limited liability company; WELLS  
 FARGO SECURITIES, LLC, a Delaware limited  
 28 liability company; WELLS FARGO &

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN  
 PLAINTIFFS AND DEFENDANT  
 WACHOVIA SECURITIES, LLC  
 AND [PROPOSED] ORDER RE:  
 DATES FOR FILING RESPONSIVE  
 PLEADING AND FOR CASE  
 MANAGEMENT CONFERENCE**

Place: Courtroom 1  
 Judge: Hon. Samuel Conti

A/73290297.1/3003050-0000343638

1 COMPANY, a Delaware corporation and DOES  
1 through 10, inclusive,  
2  
3 Defendants.

4 This Stipulation is entered into by and among plaintiffs Theodore Kagan, James  
5 Aven, Laura Jacobs, Joseph Soffa and Alberkrack Family Limited Partnership (collectively,  
6 "Plaintiffs"), on the one hand, and defendant Wachovia Securities, LLC ("Defendant"), on the  
7 other hand, with the following facts:

8 A. Plaintiffs filed their Summons and Complaint in the above-captioned matter  
9 (the "Complaint") on or about November 10, 2009;

10 B. Plaintiffs served their Complaint on Defendant Wachovia Securities, LLC on  
11 or about January 22, 2010;

12 C. Plaintiffs have not yet served the Complaint on the other defendants in this  
13 action;

14 D. A Joint Case Management Conference Statement is currently due by February  
15 12, 2010;

16 E. A Case Management Conference is currently set for February 19, 2010, at  
17 10:00 a.m. in Courtroom #1;

18 F. Plaintiffs and Defendant have met and conferred in good faith over the claims  
19 asserted in the Complaint.

20 **IT IS HEREBY STIPULATED AND AGREED as follows:**

21 1. Defendant's response to the Complaint is currently due Thursday, February 11,  
22 2010.

23 2. A Case Management Conference is currently set for February 19, 2010, at 10:00  
24 a.m. in Courtroom #1, and the Plaintiffs and Defendant's Joint Case Management Conference  
25 Statement is due by February 12, 2010.

1           3.       Defendants seek an extension of time to respond to the Complaint, to allow  
2 Plaintiffs and Defendants to further discuss the issues presented in the Complaint, and potentially  
3 narrow those issues. Defendants also seek additional time for preparation of the response to the  
4 Complaint.

5           4.       Plaintiffs consent to granting Defendant an extension of time in which Defendant  
6 must respond to the Complaint, of thirty (30) days. Subject to the Court's approval, Defendant  
7 shall file its response to the Complaint on or before March 11, 2010.

8           5.       Plaintiffs and Defendant agree, subject to the Court's approval, to continue the  
9 Case Management Conference to May 7, 2010, at 10:00 a.m. in Courtroom #1, and to file their  
10 Joint Case Management Conference Statement by April 27, 2010.

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1           6.       Plaintiffs and Defendant have met and conferred in good faith over the claims  
2 asserted in the Complaint.

3  
4 DATED: February 10, 2010

Bingham McCutchen LLP

5  
6 By: Kevin J. Woods  
7           Donald S. Davidson  
8           Michael D. Blanchard  
9           Kevin J. Woods  
10          Attorneys for Defendant  
11          Wachovia Securities, LLC

12  
13 DATED: February 9, 2010

Kabatech Brown Kellner LLP

14 By: Alfredo Torrijos  
15           Alfredo Torrijos  
16           Attorney for Plaintiffs

17                   **IT IS SO ORDERED.**

18           Defendant shall file its response to the Complaint on or before March 11, 2010,  
19 the Case Management Conference is continued to May 7, 2010, at 10:00 a.m. in Courtroom #1,  
20 and the Joint Case Management Conference Statement is due by April 27, 2010.

21  
22 DATED: February 11, 2010

