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 20 BANK, N.A. and WELLS FARGO ASSET
 21 SECURITIES CORPORATION

22 UNITED STATES DISTRICT COURT

23 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

24 THE CHARLES SCHWAB
 25 CORPORATION,

26 Plaintiff,

27 vs.

28 BNP PARIBAS SECURITIES CORP. *et*
al.

Defendants.

CASE NO. CV-10-4030-SI

**STIPULATION AND [PROPOSED]
 ORDER RESCHEDULING HEARING ON
 MOTIONS TO REMAND AND TO
 SEVER, AND SETTING BRIEFING
 SCHEDULE**

[Declaration of James C. Rutten filed
 concurrently herewith]

1 WHEREAS on August 2, 2010, Plaintiff filed its Amended Complaint in the Superior
2 Court of the State of California for the County of San Francisco;

3 WHEREAS on September 8, 2010, the action was removed to this Court;

4 WHEREAS on October 1, 2010, Plaintiff filed a Motion to Remand this case to state
5 court, which is scheduled to be heard on January 21, 2011;

6 WHEREAS on October 7, 2010, Defendants Wells Fargo Bank, N.A. and Wells Fargo
7 Asset Securities Corporation (collectively, the "Wells Fargo Defendants") filed a Motion to Sever
8 the claims asserted against them from the claims asserted against the other Defendants, which
9 motion is also scheduled to be heard on January 21, 2011;

10 WHEREAS a case management conference is also scheduled for January 21, 2011;

11 WHEREAS by operation of the Local Rules (1) Defendants' opposition to the Motion to
12 Remand, and Plaintiff's opposition to the Motion to Sever, are due by December 31, 2010 (New
13 Year's Eve); and (2) Plaintiff's reply in support of the Motion to Remand, and the Wells Fargo
14 Defendants' reply in support of the Motion to Sever, are due by January 7, 2011 (shortly after the
15 New Year's holiday);

16 WHEREAS the parties have mutually agreed to adjust the briefing schedule for both
17 motions;

18 WHEREAS the parties believe that in the interests of judicial efficiency and the orderly
19 administration of the case, it makes sense to have the pending motions resolved before a case
20 management conference takes place;

21 WHEREAS the Court has not entered a scheduling order;

22 NOW THEREFORE, IT IS HEREBY STIPULATED BY AND AMONG THE PARTIES
23 HERETO AND THEIR COUNSEL OF RECORD THAT, SUBJECT TO THE APPROVAL OF
24 THE COURT:

- 25 (1) The hearing on Plaintiff's Motion to Remand and the Wells Fargo Defendants'
26 Motion to Sever shall be continued from January 21, 2011 to February 25, 2011 at
27 9:00 a.m. (a date and time previously cleared with Chambers);
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DATED: November 16, 2010

DAVIS POLK & WARDWELL

By: /s/ James P. Rouhandeh
James P. Rouhandeh

Attorneys for Defendant MORGAN STANLEY &
CO., INCORPORATED and MORGAN
STANLEY CAPITAL I, INC.

DATED: November 16, 2010

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Richard W. Clary

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DATED: November 16, 2010

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Stephen Hibbard

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FINANCIAL CORPORATION, CWMBS, INC.,
and CWALT, INC.

DATED: November 16, 2010

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By: /s/ Susanna Buergel
Susanna Buergel

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MARKETS, INC. and CITIGROUP MORTGAGE
LOAN TRUST, INC.

