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

WILLIAM BRIDGE, JR. and
MICHELE PROFANT,

Plaintiffs,

v.

E*TRADE SECURITIES LLC;
PACIFIC INVESTMENT
MANAGEMENT COMPANY LLC;
and DOES 1-10, INCLUSIVE,

Defendants.

CASE NO. C11-02521 EMC

[Assigned to the Hon. Edward M. Chen]

**[PROPOSED] ORDER GRANTING
DEFENDANT E*TRADE
SECURITIES LLC'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 56**

Date: April 6, 2012
Time: 1:30 p.m.
Place: Courtroom 5

Complaint Filed: March 1, 2011
FAC Filed: August 17, 2011

filed a

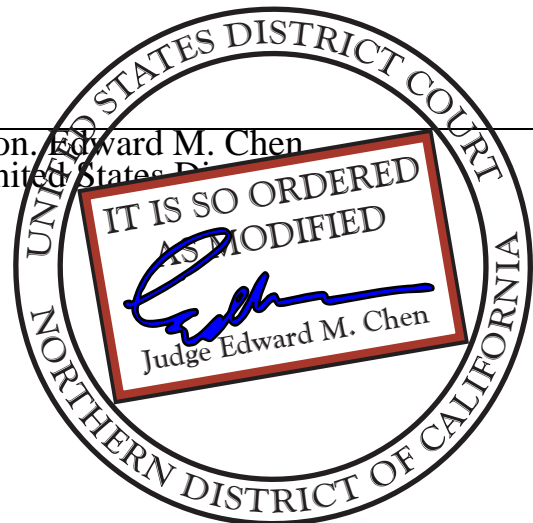
1 Defendant E*TRADE SECURITIES LLC'S (E*TRADE) motion for partial
2 summary judgment pursuant to Federal Rule of Civil Procedure 56 on the issue of
3 whether E*TRADE employee Mr. Carl Hartmann recommended or made any
4 representations to Plaintiffs William Bridge, Jr. and Michele Profant in connection
5 with their purchase of Auction Rate Securities ("ARS") underlying in this action or
6 placed the order for the ARS purchased by Plaintiffs ~~came on for hearing in~~
7 ~~Courtroom 5 of this Court on April 6, 2012.~~ After considering the supporting and
8 ~~opposing papers, and oral arguments by counsel,~~ the Court orders as follows:

9 E*TRADE is entitled to partial summary judgment on the issues of whether
10 E*TRADE employee Mr. Carl Hartmann recommended or made any
11 representations to Plaintiffs in connection with their purchase of ARS underlying
12 this action. The undisputed evidence demonstrates that Mr. Hartmann neither
13 recommended nor sold the ARS at issue to Plaintiffs. Therefore, the Court finds
14 that (1) the allegations against Mr. Hartmann are clearly erroneous and (2) that
15 Mr. Hartmann was not involved in the alleged investment related sales practice
16 violation complained of by Plaintiffs.

17 IT IS THEREFORE ORDERED that E*TRADE's motion for partial
18 summary judgment is GRANTED.

19 Date: 4/3/12

20 Hon. Edward M. Chen
21 United States District Judge



1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is: 2000 Avenue of
the Stars, Suite 400 North Tower, Los Angeles, California 90067.

5 On February 22, 2012, I served the foregoing document(s) described as:

6 **[PROPOSED] ORDER GRANTING DEFENDANT E*TRADE**
7 **SECURITIES LLC'S MOTION FOR PARTIAL SUMMARY JUDGMENT**
8 **PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56**

9 on interested parties in this action by placing the original true copy(ies)
thereof enclosed in sealed envelopes as stated below.

10 Daniel T. Bernhard, Esq.
11 FREELAND COOPER & FOREMAN LLP
12 150 Spear Street, Suite 1800
13 San Francisco, CA 94105
Tel: (415) 541-0200
Fax: (415) 495-4332
E-mail: bernhard@freelandlaw.com

Attorneys for Plaintiffs
WILLIAM BRIDGE, JR., and
MICHELE PROFANT

- 14 **(BY ELECTRONIC SERVICE VIA ECF FILING)** The document was
15 served when electronically filed via the Court's CM/ECF system, which
16 effects electronic service on counsel who are registered with the CM/ECF
system.
- 17 **(BY MAIL)** The envelope was mailed with postage thereon fully prepaid.
18 As follows: I am "readily familiar" with the firm's practice of collection and
19 processing correspondence for mailing. Under that practice it would be
20 deposited with U.S. postal service on that same day with postage thereon
21 fully prepaid at Los Angeles, California in the ordinary course of business. I
22 am aware that on motion of the party served, service is presumed invalid if
23 postal cancellation date or postage meter date is more than one day after date
of deposit for mailing in affidavit.
- 24 **(BY FACSIMILE)** I delivered such document by facsimile to the following
25 persons at the facsimile telephone numbers listed above.
- 26 **(BY HAND DELIVERY)** I delivered the within documents to Legal
27 Support Unlimited for delivery to the above address(es) with instructions that
28 such envelope be delivered personally on February 22, 2012 to the above
named individuals.
- (BY OVERNIGHT MAIL)** I am readily familiar with the firm's practice of
collection and processing correspondence for mailing with an overnight
courier service. Under that practice it would be deposited with said
overnight courier service on that same day with delivery charges thereon
billed to sender's account, at Los Angeles, California in the ordinary course

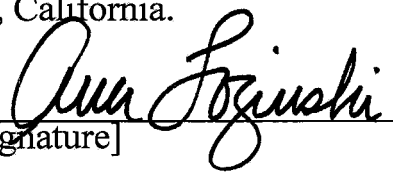
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of business. The envelope was sealed and placed for collection and mailing on that date following ordinary business practices.

- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 22, 2012, at Los Angeles, California.

Ann Lozinski
[Print Name Of Person Executing Proof]


[Signature]