

ROBBINS GELLER RUDMAN
& DOWD LLP
ANDREW J. BROWN (160562)
BENNY C. GOODMAN III (211302)
ASHLEY M. PRICE (281797)
JUAN CARLOS SANCHEZ (301834)
655 West Broadway, Suite 1900
San Diego, CA 92101-8498
Telephone: 619/231-1058
619/231-7423 (fax)
andrewb@rgrdlaw.com
bennyg@rgrdlaw.com
aprice@rgrdlaw.com
jsanchez@rgrdlaw.com
– and –
SHAWN A. WILLIAMS (213113)
Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)
shawnw@rgrdlaw.com

Attorneys for Plaintiff

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FRANCIS FLEMING, Individually and on)
Behalf of All Others Similarly Situated,)
)
Plaintiff,)
)
vs.)
)
THE CHARLES SCHWAB CORPORATION,)
et al.,)
)
Defendants.)

Case No. 3:15-cv-02945-RS

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER
DISMISSING DEFENDANT CHARLES R.
SCHWAB WITHOUT PREJUDICE

1 WHEREAS, on June 24, 2015, Plaintiff Francis Fleming filed a class action Complaint for
2 Breach of Contract, Violation of Cal. Bus. & Prof. Code §17200, *et seq.*, Intentional
3 Misrepresentation and Omission, Negligent Misrepresentation and Omission and Aiding and
4 Abetting (the “Complaint”);

5 WHEREAS, the Complaint asserts claims against The Charles Schwab Corporation, Charles
6 Schwab & Co., Inc., Charles R. Schwab, Walter W. Bettinger II and UBS Securities LLC
7 (collectively, “Defendants”) arising out of the Company’s promise to provide its clients with “best
8 execution” and its practice of routing the majority of its clients’ orders to UBS;

9 WHEREAS, on August 21, 2015, Defendants filed motions to dismiss the Complaint
10 pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure;

11 WHEREAS, on September 25, 2015, Plaintiff filed a Consolidated Opposition to
12 Defendants’ Motions to Dismiss;

13 WHEREAS, the parties have conferred regarding dismissing defendant Charles R. Schwab
14 from the Complaint and have agreed that he should be voluntarily dismissed without prejudice;

15 WHEREAS, the parties also agree that each party will bear its own costs;

16 WHEREAS, the parties agree that notice to the putative class is not required because
17 Defendants have not answered the Complaint, Defendants’ motions to dismiss are pending and this
18 action has not yet been certified as a class action;

19 NOW THEREFORE, it is hereby stipulated and agreed by the parties to this Stipulation only,
20 by and through their undersigned counsel, as follows:

- 21 1. Charles R. Schwab shall be voluntarily dismissed without prejudice;
 - 22 2. The parties shall each bear their own costs and expenses and thereby waive their
23 rights, if any, to seek costs or expenses from each other in connection with the above captioned
24 action; and
 - 25 3. Notice to the putative class is not required.
- 26
27
28

1 DATED: October 19, 2015

ROBBINS GELLER RUDMAN
& DOWD LLP
ANDREW J. BROWN
BENNY C. GOODMAN III
ASHLEY M. PRICE
JUAN CARLOS SANCHEZ

5
6 s/ BENNY C. GOODMAN III
BENNY C. GOODMAN III

7 655 West Broadway, Suite 1900
8 San Diego, CA 92101
9 Telephone: 619/231-1058
619/231-7423 (fax)

10 ROBBINS GELLER RUDMAN
11 & DOWD LLP
12 SHAWN A. WILLIAMS
13 Post Montgomery Center
One Montgomery Street, Suite 1800
San Francisco, CA 94104
Telephone: 415/288-4545
415/288-4534 (fax)

14 LAW OFFICE OF ALFRED G.
15 YATES, JR., P.C.
16 ALFRED G. YATES, JR.
(appearance *pro hac vice*)
17 GERALD L. RUTLEDGE
519 Allegheny Building
429 Forbes Avenue
Pittsburgh, PA 15219
18 Telephone: 412/391-5164
412/471-1033 (fax)

19 Attorneys for Plaintiff

20
21 DATED: October 19, 2015

ARNOLD & PORTER LLC
GILBERT R. SEROTA
ERICA M. CONNOLLY

23
24 s/ GILBERT R. SEROTA
GILBERT R. SEROTA

25 Three Embarcadero Center, 10th Floor
26 San Francisco, CA 94111-4024
27 Telephone: 415/471-3100
415/471-3400 (fax)
28 email: Gilbert.Serota@aporter.com

Attorneys for Defendants The Charles Schwab
Corporation, Charles Schwab & Co., Inc.,
Charles R. Schwab, and Walter W. Bettinger II

* * *

ORDER

IT IS SO ORDERED.

DATED: 10/19/15



THE HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE