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11 Attorneys for Representative Plaintiff  
12 and the Plaintiff class

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23 Attorneys for Defendant  
24 TD Ameritrade, Inc.

25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

27 JASON THOMAS, individually, and on  
28 behalf of all others similarly situated,  
29 Plaintiff,  
30 vs.  
31 TD AMERITRADE, INC.,  
32 Defendant.

33 Case No.: C 08-02397 WDB  
34 CLASS ACTION  
35 **STIPULATION AND [PROPOSED] ORDER**  
36 **TO CONTINUE CASE MANAGEMENT**  
37 **CONFERENCE AND TO SHORTEN TIME**

38 **WHEREAS**, the parties attended private mediation on December 9, 2008 and, having  
39 reached the basic terms of settlement, executed a Memorandum of Settlement that same day;  
40 **WHEREAS**, following weeks of additional negotiations, the parties have now finalized the  
41 terms of a full and complete Settlement Agreement and Stipulation ("Settlement") which they are

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in the process of having executed;

**WHEREAS**, Plaintiff intends to file his Motion for Preliminary Approval of the Settlement on or before Tuesday, February 24, 2009;

**WHEREAS**, Defendant does not intend to oppose Plaintiff's Motion for Preliminary Approval of the Settlement;

**WHEREAS**, subject to the Court's availability , the parties wish to schedule the hearing on Plaintiff's Motion for Preliminary Approval of the Settlement for March 25, 2009 at 1:30 p.m.;

**WHEREAS**, the parties believe that the Case Management Conference currently scheduled for February 19, 2009 at 4:00 p.m. ought to be continued indefinitely so as to permit the parties to instead focus on the above referenced preliminary approval motion and hearing;

**IT IS THEREFORE STIPULATED AND AGREED**, by and between the parties hereto, through their attorneys of record, as follows:

The Case Management Conference, currently set for February 19, 2009 at 4:00 p.m., should be continued indefinitely.

**IT IS FURTHER STIPULATED AND AGREED** by and between the parties hereto, through their attorneys of record, as follows:

Plaintiffs unopposed Motion for Preliminary Approval should be heard on shortened notice and the hearing should be set for March 25, 2009 at 1:30 p.m.;

1 I, Kevin R. Allen, attest that I have obtained concurrence from Julie A. Kole in the filing of  
2 this Stipulation and Proposed Order Continuing the Case Management Conference Date. *See* N.D.  
3 Cal. General Order 45 § 10(b).  
4

5 Dated: February 17, 2009

**KEESAL, YOUNG & LOGAN, APC**

6  
7 By: /s/Julie A. Kole  
8 Julie A. Kole, Esq.  
9 Attorneys for Defendant  
10 TD Ameritrade, Inc.

11 Dated: February 17, 2009

**SCOTT COLE & ASSOCIATES, APC**

12  
13 By: /s/Kevin R. Allen, Esq.  
14 Kevin R. Allen, Esq.  
15 Attorneys for the Representative Plaintiff  
16 and the Plaintiff Class  
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*WDB*

~~PROPOSED~~ ORDER

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**IT IS HEREBY ORDERED** that:

The Case Management Conference, currently scheduled for February 19, 2009 at 4:00 p.m., is hereby continued indefinitely.

**IT IS FURTHER ORDERED** that:

Plaintiff's Motion for Preliminary Approval shall be heard on shortened notice. The hearing and any oral argument on said motion shall take place on March 25, 2009 at 1:30 p.m.

Dated: February 18, 2009

By: *Wayne D. Brazil*  
Hon. Wayne D. Brazil  
United States Magistrate Judge

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