

1 PETER R. BOUTIN, CASB No. 65261  
 peter.boutin@kyl.com  
 2 MOLLY HARCOS TAMARIKI, CASB No. 233556  
 molly.tamariki@kyl.com  
 3 KEESAL, YOUNG & LOGAN  
 A Professional Corporation  
 4 450 Pacific Avenue  
 San Francisco, California 94133  
 5 Telephone: (415) 398-6000  
 Facsimile: (415) 981-0136

6 Attorneys for Defendant CITIGROUP GLOBAL MARKETS INC.

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

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 11 GEORGE PUTNAM, an individual, ) Case No. CV 09 2230 CW  
 )  
 12 ) Plaintiff, ) **STIPULATION AND ORDER TO (1)**  
 ) **CONTINUE THE SEPTEMBER 1, 2009**  
 13 vs. ) **CASE MANAGEMENT CONFERENCE,**  
 ) **(2) STAY DISCOVERY, AND (3)**  
 14 CITIGROUP GLOBAL MARKETS INC., ) **CONTINUE THE DEADLINE TO**  
 a New York corporation; and DOES 1 ) **RESPOND TO THE COMPLAINT**  
 15 through 10, inclusive, ) **PENDING COMPLETION OF EARLY**  
 ) **NEUTRAL EVALUATION**  
 16 ) Defendant. )  
 ) Date: September 1, 2009 (CMC)  
 17 ) Time: 2:00  
 ) Place: Courtroom 2,  
 18 ) Judge: *Honorable Claudia Wilken*  
 )

19  
 20 IT IS HEREBY STIPULATED by and between Plaintiff GEORGE  
 21 PUTNAM (“Plaintiff”) and Defendant CITIGROUP GLOBAL MARKETS INC.  
 22 (“Citigroup”), through their respective attorneys of record, as follows:

23 WHEREAS, on August 18, 2009, the Court ordered the parties to  
 24 participate in Early Neutral Evaluation (“ENE”) “90 days from the date” of its Order  
 25 (*i.e.*, on or before November 17, 2009),

26 WHEREAS, the Case Management Conference (“CMC”) is currently  
 27 scheduled for September 1, 2009,

1 WHEREAS, the response to the complaint is due August 31, 2009  
2 (pursuant to the parties' stipulation on August 11, 2009),

3 WHEREAS, the parties hope to resolve this case in ENE,

4 WHEREAS, the resolution of this case in ENE would eliminate the need for  
5 (1) the CMC, (2) discovery, and (3) Defendant's Motion to Compel Arbitration,

6 WHEREAS, this is the parties' first request for an extension of a Court-  
7 ordered deadline,

8 WHEREAS, the parties seek to attempt to resolve this matter without the  
9 expenditure of unnecessary discovery, costs, or Court resources,

10 NOW, THEREFORE, the undersigned parties hereby stipulate to, and  
11 request the Court's approval of the following:

12 • The September 1, 2009 CMC is continued until after the parties  
13 complete the ENE;

14 • On or before November 17, 2009, the parties will notify the Court of  
15 the (1) status of the ENE, and/or (2) the need to reschedule the CMC. (The deadlines for  
16 the Rule 26(f) Report, Joint Case Management Statement and Initial Disclosures will be  
17 triggered by the date of the rescheduled CMC, pursuant to F.R.C.P., Rule 26(a)(1).)

18 • The parties agree that neither party shall engage in discovery until  
19 after the completion of the ENE. If the parties are unable to resolve the case in ENE,  
20 the parties agree that neither party shall engage in discovery until the Court rules on  
21 the Defendant's Motion to Compel Arbitration.

22 • The parties agree that Defendant shall not move to compel  
23 arbitration or otherwise respond to the Complaint until the ENE process is completed.

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1 If the parties are unable to resolve the case in ENE, the response to the Complaint will  
2 be due 20 days after the parties file a notice informing the Court that they were not able  
3 to resolve the case in ENE.  
4

5 DATED: August 25, 2009

/s/ Justin Berger  
Justin T. Berger  
COTCHETT, PITRE & McCARTHY  
Attorneys for Plaintiff GEORGE PUTNAM

8  
9 DATED: August 25, 2009

/s/ Molly Harcos Tamariki  
Peter R. Boutin  
Molly Harcos Tamariki  
KEESAL, YOUNG & LOGAN  
Attorneys for Defendant CITIGROUP  
GLOBAL MARKETS INC.

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13 **IT IS SO ORDERED. THE CASE MANAGEMENT CONFERENCE IS CONTINUED**  
14 **TO DECEMBER 1, 2009, AT 2:00 P.M.**

15  
16 DATED: August 27, 2009



HON. CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE