

1 participated in an Early Neutral Evaluation (“ENE”) session; and

2 WHEREAS, the matter did not settle during the ENE session; and

3 WHEREAS, pursuant to the Parties’ prior stipulation and the Court’s
4 August 27, 2009 Order upon the Parties’ Stipulation [Docket No. 16], Citigroup’s
5 response to the Complaint is due 20 days after the filing of the Notice that is being filed
6 concurrently herewith; and

7 WHEREAS, Citigroup intends to file a Motion to Compel Arbitration within
8 the current deadline to respond; and

9 WHEREAS, Plaintiff currently intends to oppose Citigroup’s anticipated
10 Motion to Compel Arbitration; and

11 WHEREAS, the Case Management Conference (“CMC”) is currently
12 scheduled for December 1, 2009; and

13 WHEREAS, the CMC was previously continued once to allow the Parties to
14 complete their ENE session.

15 NOW, THEREFORE, the undersigned Parties hereby stipulate to, and
16 request the Court’s approval of the following:

17 • Subject to the Court’s approval, the December 1, 2009 CMC will be
18 continued until after the Court rules on Citigroup’s Motion to Compel Arbitration.

19 • Citigroup shall file its Motion to Compel Arbitration or any other
20 response to the Complaint by no later than December 9, 2009. The hearing on
21 Citigroup’s Motion shall be noticed in accordance with Civil Local Rule 7-2 and this
22 Court’s Standing Order.

23 • Plaintiff’s Opposition and Citigroup’s Reply will be due in accordance
24 with Civil Local Rule 7-3.

25 • If the case is not ordered to arbitration and remains on the Court’s
26 docket, the deadlines for the Rule 26(f) Report, Joint Case Management Statement and
27 Initial Disclosures will be triggered by the date of the rescheduled CMC, pursuant to
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1 F.R.C.P., Rule 26(a)(1).

2 **IT IS SO STIPULATED, EXCEPT THE MOTION TO COMPEL ARBITRATION WILL**
3 **BE DECIDED ON THE PAPERS. THE CASE MANAGEMENT CONFERENCE IS**
4 **CONTINUED TO APRIL 27, 2010, AT 2:00 P.M.**

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6 DATED: November 20, 2009

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

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10 DATED: November 20, 2009

/s/ Christopher A. Stecher¹
Peter R. Boutin
Christopher A. Stecher
KEESAL, YOUNG & LOGAN
ATTORNEYS FOR DEFENDANT
CITIGROUP GLOBAL MARKETS, INC.

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15 **ORDER**

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17 **IT IS SO ORDERED.**



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19 DATED: November 24, 2009

HON. CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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26 ¹ I hereby attest that all parties to this Stipulation have signed this Stipulation as
27 indicated by a “conformed” signature (/s/) and that Keesal, Young & Logan has all
28 holograph signatures in its files.