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12 MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED, MERRILL  
13 LYNCH & CO., INC., and BRIAN RILEY

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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

19 KEVIN MARTIN, DAVID NORRIS,  
FRANK STONE, individually and on  
20 behalf of all others similarly situated,

21 Plaintiff,

22 vs.

23 MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INCORPORATED; MERRILL  
24 LYNCH & CO., INC., BRIAN RILEY and  
DOES 1-20,

25 Defendants.  
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Attorneys for Plaintiffs KEVIN MARTIN,  
DAVID NORRIS and FRANK STONE

CASE NO. CV-10-4020-CW

**STIPULATION REGARDING BRIEFING  
SCHEDULE FOR MOTION FOR  
JUDGMENT ON THE PLEADINGS AND  
ORDER**

Date: March 17, 2010  
Time: 2:00 p.m.  
Judge: Hon. Claudia Wilken  
Place: Dept. 2, 4<sup>th</sup> Floor

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Defendants Merrill Lynch, Pierce, Fenner & Smith, Incorporated; Merrill Lynch & Co., Inc.; and Brian Riley and Plaintiffs Kevin Martin, David Norris, and Frank Stone stipulate as follows:

- 1. WHEREAS, Defendants intend to file a motion for judgment on the pleadings;
- 2. WHEREAS, the parties have met and conferred to find a mutually convenient hearing date and agree upon a briefing schedule;

NOW, THEREFORE, IT IS AGREED THAT (as set forth in the attached proposed order) the motion for judgment on the pleadings shall be noticed for hearing on March 17, 2011. The briefing schedule shall be as follows: Motion to be filed on or before February 1, 2011, Opposition to be filed on or before February 18, 2011, and Reply to be filed on or before March 3, 2011.

DATED: January 24, 2011

BARTKO, ZANKEL, TARRANT & MILLER

By: /s/ Robert H. Bunzel  
Robert H. Bunzel

Attorneys for Plaintiffs  
KEVIN MARTIN, DAVID NORRIS and  
FRANK STONE

DATED: January 24, 2011

MUNGER, TOLLES & OLSON LLP

By: /s/ Victoria L. Boesch  
Victoria L. Boesch

Attorneys for Defendants  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH INCORPORATED, MERRILL  
LYNCH & CO., INC. and BRIAN RILEY

I, Victoria L. Boesch, attest that I have obtained concurrence from Robert H. Bunzel in the filing of this stipulation. See N.D. Cal. General Order 45 § 10(B).


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Pursuant to the stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that:

1. Defendants shall file their motion for judgment on the pleadings by February 1, 2011 and set it for hearing on March 17, 2011 at 2:00 p.m.
2. Plaintiffs shall file their opposition on or before February 18, 2011.
3. Defendants shall file their reply on or before March 3, 2011.

IT IS SO ORDERED.

Dated: 1/25/2011

By:   
The Honorable Claudia Wilken  
United States District Judge  
Northern District of California