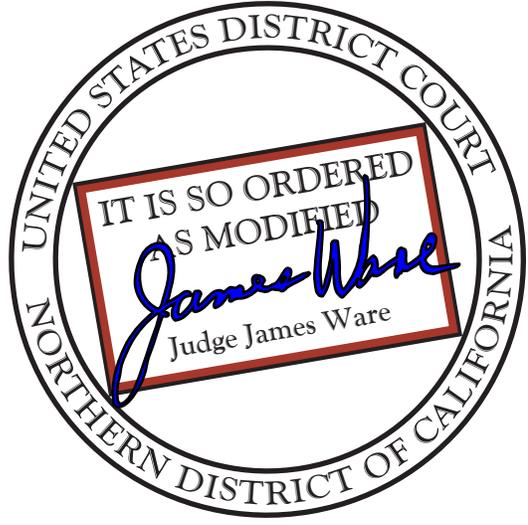


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 20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN JOSE DIVISION

23 ANITA HUNTER, et al.,  
 24 Plaintiffs,  
 25 vs.  
 26 EDWARD H. OKUN, et al.,  
 27 Defendants.

Case No.: 5:07-cv-02795 JW  
**ORDER STAYING CASE PENDING MDL  
 PANEL'S HEARING ON MOTION TO  
 TRANSFER**  
 Date: March 30, 2009  
 Time: 10:00 a.m.

28

1           WHEREAS, on January 20, 2009, Plaintiffs filed a Motion for Transfer and  
2 Consolidation of Related Actions to the Northern District of California or the District of Nevada  
3 Under 28 U.S.C. § 1407 (“Plaintiff’s MDL Transfer Motion”), before the Judicial Panel on  
4 Multidistrict Litigation (“MDL Panel”) with a hearing date to be set by the MDL Panel,

5           WHEREAS on February 13, 2009, Wachovia filed its Motion to Transfer Pursuant to 28  
6 U.S.C. Sections 1412 and/or 1404(a) (“Wachovia’s N.D. Cal. Transfer Motion”) in this Court,  
7 set to be heard on March 30, 2009,

8           WHEREAS, the MDL Panel recently set a hearing date for Plaintiff’s MDL Transfer  
9 Motion to be heard on March 26, 2009,

10           WHEREAS, Plaintiffs believe that this Court’s determination on Wachovia’s N.D. Cal.  
11 Transfer Motion should be postponed until, at the earliest, sometime after the MDL Panel has  
12 ruled on Plaintiff’s MDL Transfer Motion,

13           WHEREAS, Wachovia believes that this Court should rule on Wachovia’s N.D. Cal.  
14 Transfer Motion irrespective of the MDL Panel’s consideration of, or ruling on, Plaintiffs’ MDL  
15 Transfer Motion,

16           WHEREAS, there is another hearing currently set before this Court for Monday, March  
17 9, 2009, at which point counsel for the parties intend to seek the Court’s determination  
18 concerning the timing of the briefing and hearing on Wachovia’s N.D. Cal. Transfer Motion,

19           WHEREAS, to avoid any party’s having to brief an issue that the Court may postpone  
20 determination of (the substance of Wachovia’s N.D. Cal. Transfer Motion), the parties have  
21 agreed to a proposed revised briefing schedule for Plaintiffs’ Opposition to Wachovia’s N.D.  
22 Cal. Transfer Motion that will allow the parties to receive the Court’s comments concerning the  
23 timing issue while also allowing any interested party sufficient time to prepare their Opposition  
24 or other response, and Wachovia’s Reply, in the event the Court decides not to postpone the  
25 matter,

26           WHEREAS, the parties, by and through their counsel of record have agreed that:

27           **Plaintiffs’ Opposition (and any other party’s opposition or response) is to be filed**  
28 **on Monday, March 16, 2009**

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**Wachovia's Reply is to be filed on Monday, March 23, 2009**

WHEREAS, this briefing schedule is applicable to all parties who would oppose or respond to Wachovia's N.D. Cal. Transfer Motion,

WHEREAS, the parties' stipulation to this briefing schedule is independent of whether or not the Court ultimately enters an Order hereon, such that in the event the Court declines to enter such an Order, Wachovia waives its right to argue that Plaintiffs' Opposition (or any other party's opposition or response) is late, provided it is filed within the time set forth in this stipulation, and Plaintiffs and any other party signing below waive their right to argue that Wachovia's Reply is late, provided it is filed within the time set forth in this stipulation.

SO STIPULATED.

Date: February 24, 2009

HOLLISTER & BRACE  
FOLEY BEZEK BEHLE & CURTIS, LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
Thomas G. Foley, Jr.,  
Rusty Brace,  
counsel for Plaintiffs

Date: February 24, 2009

REED SMITH, LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
Jack R. Nelson, counsel for Defendant Wachovia  
Bank, N.A.

Date: February 24, 2009

MARGOLIS & TISMAN LLP

By: \_\_\_\_\_/s/\_\_\_\_\_  
Mike Margolis, counsel for Defendant San  
Francisco Series of Lockton Companies, LLC

