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 10 Attorneys for defendants Charles Schwab & Co., Inc., Schwab
 Investments, and Charles Schwab Investment Management, Inc.

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 JERRY SMIT, individually and on behalf of all
 others similarly situated,

17 Plaintiff,

18 v.

19 CHARLES SCHWAB & CO., INC., SCHWAB
 20 INVESTMENTS, and CHARLES SCHWAB
 INVESTMENT MANAGEMENT, INC.,

21
 22 Defendants.

Case No. CV-10-3971 JSW

CLASS ACTION

STIPULATION AND ~~PROPOSED~~
 ORDER RE RESPONSE TO
 COMPLAINT

Date Action Filed: Sept. 3, 2010

1 WHEREAS, on September 3, 2010, Jerry Smit (“Plaintiff”) filed a complaint against
2 Charles Schwab & Co., Inc., Schwab Investments, and Charles Schwab Investment Management,
3 Inc. (“Defendants”);

4 WHEREAS, Plaintiff served Charles Schwab & Co., Inc. and Charles Schwab Investment
5 Management, Inc., on September 22, 2010, and served Schwab Investments on September 24,
6 2010;

7 WHEREAS, on October 6, 2010, the Court related the *Smit* action to *Northstar Financial*
8 *Advisors, Inc. v. Schwab Investments*, Case No. 08-cv-4119-LHK;

9 WHEREAS, the parties in the *Northstar* action have stipulated to a briefing schedule on
10 defendants’ motion to dismiss and the Court has entered an order setting a hearing on that motion
11 for January 13, 2011;

12 WHEREAS, the parties in the *Smit* action have met and conferred and agree that it makes
13 sense for the convenience of the Court and the parties to adopt the same briefing and hearing
14 schedule for Defendants’ motion to dismiss in this related action;

15 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties, subject to
16 Court approval, that Defendants shall have an extension of time to file their motion to dismiss
17 until on or before November 10, 2010, Plaintiff’s opposition shall be filed on or before December
18 6, 2010, Defendants’ reply shall be filed on or before December 21, 2010, and the hearing on the
19 motion shall be set for January 13, 2011 at 1:30 p.m. or as soon thereafter as the matter may be
20 heard.

21 IT IS SO STIPULATED.

22 Dated: October 8, 2010

DARRYL P. RAINS
EUGENE ILLOVSKY
CRAIG D. MARTIN
DOROTHY L. FERNANDEZ
MORRISON & FOERSTER LLP

25 By: /s/ Dorothy L. Fernandez
26 Dorothy L. Fernandez

27 Attorneys for defendants Charles Schwab & Co.,
28 Inc., Charles Schwab Investment Management,
Inc., and Schwab Investments

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Dated: October 8, 2010

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Sean R. Matt
Sean R. Matt

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Counsel for Plaintiff Smit and the Proposed Class

IT IS SO ORDERED.

Dated: October 19 2010



HONORABLE LUCY H. KOH
UNITED STATES DISTRICT JUDGE