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 TRUST IV, WACHOVIA CAPITAL TRUST IX,
 9 WACHOVIA CAPITAL TRUST X, WACHOVIA BANK,
 N.A., WACHOVIA CAPITAL MARKETS, LLC,
 10 WACHOVIA SECURITIES, LLC, WELLS FARGO &
 COMPANY, AS SUCCESSOR-IN-INTEREST TO
 11 WACHOVIA CORPORATION, WELLS FARGO
 SECURITIES, LLC, G. KENNEDY THOMPSON, MARK
 12 C. TREANOR, THOMAS J. WURTZ, PETER M.
 CARLSON, ROSS E. JEFFRIES, JR., DAVID M. JULIAN,
 13 DONALD K. TRUSLOW, JOHN D. BAKER II, ROBERT
 J. BROWN, PETER C. BROWNING, JOHN T. CASTEEN,
 14 III, JEROME A. GITT, WILLIAM H. GOODWIN, JR.,
 MARYELLEN C. HERRINGER, ROBERT A. INGRAM,
 15 DONALD M. JAMES, MACKAY J. McDONALD,
 JOSEPH NEUBAUER, TIMOTHY D. PROCTOR,
 16 ERNEST S. RADY, VAN L. RICHEY, RUTH G. SHAW,
 LANTY L. SMITH, JOHN C. WHITAKER, JR., and
 17 DONA DAVIS YOUNG (the "Wachovia Defendants")

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

CASE NO. CV 09-0999 (MMC)

21 ORANGE COUNTY EMPLOYEES'
 RETIREMENT SYSTEM, LOUISIANA
 22 SHERIFFS' PENSION AND RELIEF FUND,
 GOVERNMENT OF GUAM RETIREMENT
 23 FUND and SOUTHEASTERN
 PENNSYLVANIA TRANSPORTATION
 24 AUTHORITY, Individually and on Behalf of
 All Others Similarly Situated,

25 Plaintiffs,

26 vs.

27 PETER M. CARLSON; ROSS E. JEFFRIES,
 28 JR.; DAVID M. JULIAN; G. KENNEDY

**JOINT STIPULATION REQUESTING
 POSTPONEMENT OF JUNE 12, 2009
 INITIAL CASE MANAGEMENT
 CONFERENCE; ~~PROPOSED~~ ORDER
 THEREON**

STIPULATION REQUESTING POSTPONMENT OF
 JUNE 12, 2009 INITIAL CASE MANAGEMENT
 CONFERENCE; CASE NO. CV 09-0999 (MMC)

1 THOMPSON; MARK C. TREANOR;
2 THOMAS J. WURTZ, DONALD K.
3 TRUSLOW; JOHN D. BAKER, II; ROBERT
4 J. BROWN; PETER C. BROWNING; JOHN
5 T. CASTEEN, III; JEROME A. GITT;
6 WILLIAM H. GOODWIN, JR.; MARY
7 ELLEN C. HERRINGER; ROBERT A.
8 INGRAM; DONALD M. JAMES; MACKEY
9 J. MCDONALD; JOSEPH NEUBAUER;
10 TIMOTHY D. PROCTOR; ERNEST S.
11 RADY; VAN L. RICHEY; RUTH G. SHAW;
12 LANTY L. SMITH; JOHN C. WHITAKER;
13 JR.; DONA DAVIS YOUNG; WACHOVIA
14 CORPORATION; WACHOVIA CAPITAL
15 MARKETS, LLC; WACHOVIA
16 SECURITIES, LLC; WACHOVIA CAPITAL
17 TRUST IV; WACHOVIA CAPITAL TRUST
18 IX; WACHOVIA CAPITAL TRUST X;
19 WACHOVIA BANK, N.A.; WELLS FARGO
20 & COMPANY (AS SUCCESSOR-IN-
21 INTEREST TO WACHOVIA
22 CORPORATION); ABN AMRO
23 INCORPORATED; A.G. EDWARDS &
24 SONS, INC.; BANK OF AMERICA
25 CORPORATION; BANC OF AMERICA
26 SECURITIES LLC; BARCLAYS CAPITAL
27 INC.; BB&T CAPITAL MARKETS; B.C.
28 ZIEGLER AND COMPANY; BEAR,
STEARNS & CO., INC.; BNP PARIBAS
SECURITIES CORP.; CABRERA CAPITAL
MARKETS, LLC; CASTLEOAK
SECURITIES, L.P.; CHARLES SCHWAB &
CO.; C.L. KING & ASSOCIATES, INC.;
CITIGROUP GLOBAL MARKETS, INC.;
COMERICA SECURITIES INC.;
COUNTRYWIDE SECURITIES
CORPORATION; CREDIT SUISSE
SECURITIES (USA) LLC; D.A. DAVIDSON
& CO.; DAVENPORT & COMPANY LLC;
DEUTSCHE BANK SECURITIES INC.;
E*TRADE SECURITIES LLC; FERRIS,
BAKER WATTS, INCORPORATED;
FIDELITY CAPITAL MARKETS
SERVICES; FIFTH THIRD SECURITIES,
INC.; FIXED INCOME SECURITIES, L.P.;
FTN FINANCIAL SECURITIES CORP.;
GOLDMAN, SACHS & CO.; GREENWICH
CAPITAL MARKETS, INC.; GUZMAN &
COMPANY; HOWE BARNES HOEFER &
ARNETT, INC.; H&R BLOCK FINANCIAL
ADVISORS, INC.; HSBC SECURITIES
(USA) INC.; JACKSON SECURITIES, LLC;
JANNEY MONTGOMERY SCOTT LLC;
J.B. HANAUER & CO.; JEFFERIES &
COMPANY, INC.; J.J.B. HILLIARD, W.L.

1 LYONS, INC.; J.P. MORGAN CHASE (AS
2 SUCCESSOR-IN-INTEREST TO BEAR,
3 STEARNS & CO., INC.); J.P. MORGAN
4 SECURITIES INC.; JVB FINANCIAL
5 GROUP, LLC; KEEFE, BRUYETTE &
6 WOODS, INC.; KEYBANC CAPITAL
7 MARKETS; LOOP CAPITAL MARKETS,
8 LLC; MERRILL LYNCH, PIERCE, FENNER
9 & SMITH INCORPORATED; MESIROW
10 FINANCIAL INC.; MORGAN KEEGAN &
11 COMPANY, INC.; MORGAN STANLEY &
12 CO., INCORPORATED; M.R. BEAL &
13 COMPANY; MURIEL SIEBERT & CO.,
14 INC.; NATCITY INVESTMENTS, INC.;
15 OPPENHEIMER & CO. INC.; PERSHING
16 LLC; PIPER JAFFRAY & CO.; POPULAR
17 SECURITIES, INC.; RBC CAPITAL
18 MARKETS CORPORATION; RBC DAIN
19 RAUSCHER INC.; SAMUEL A. RAMIREZ
20 & COMPANY, INC.; RAYMOND JAMES &
21 ASSOCIATES, INC.; ROBERT W. BAIRD &
22 CO.; ROSS, SINCLAIR & ASSOCIATES,
23 LLC; RYAN BECK & CO., INC.; SANDLER
24 O'NEILL & PARTNERS, L.P.; STERNE,
25 AGEE & LEACH, INC.; STIFEL,
26 NICOLAUS & COMPANY,
27 INCORPORATED (ON ITS OWN BEHALF
28 AND AS A SUCCESSOR-IN-INTEREST TO
RYAN BECK & CO., INC.); SUNTRUST
CAPITAL MARKETS, INC.; TD
AMERITRADE, INC.; TOUSSAINT
CAPITAL PARTNERS, LLC; UBS
SECURITIES LLC; UTENDAHL CAPITAL
PARTNERS, L.P.; WEDBUSH MORGAN
SECURITIES INC.; WELLS FARGO
SECURITIES, LLC; WILLIAM BLAIR &
COMPANY L.L.C.; THE WILLIAMS
CAPITAL GROUP, L.P.; and KPMG LLP,

Defendants.

This stipulation is made with reference to the following facts:

1. On March 6, 2009, the above-referenced action was removed to this Court from the Superior Court of the State of California, County of Alameda.
2. That same day, this Court issued an order setting the Initial Case Management Conference for June 12, 2009.

1 3. On March 10, 2009, Plaintiffs and certain Defendants filed a stipulation
2 with this Court which provided that — in light of an anticipated motion to transfer the case to the
3 United States District Court for the Southern District of New York pursuant to 28 U.S.C.
4 § 1404(a) — Plaintiffs would have until sixty (60) days after the Court enters an order in respect
5 to the anticipated motion to transfer in which to file a Consolidated and Amended Complaint and
6 Defendants’ time to answer, move, or otherwise respond to the Complaint would be extended
7 through and including the sixtieth (60th) day after Plaintiffs serve their Consolidated and
8 Amended Complaint.

9 4. On March 20, 2009 the Court entered an order granting Plaintiffs leave to
10 file a Consolidated and Amended Complaint within sixty (60) days after the Court enters an order
11 in respect to the anticipated motion to transfer and extending the Defendants’ time to answer,
12 move, or otherwise respond to the Complaint through and including the sixtieth (60th) day after
13 Plaintiffs serve their Consolidated and Amended Complaint.

14 5. On March 26, 2009, counsel for the Wachovia Defendants filed on consent
15 in *Miller v. Wachovia Corporation, et al.*, Case No. CV 09-0998 (RMW) (HRL), a motion to
16 relate the above-referenced action and *Swiskay, et al. v. Wachovia Corporation, et al.*, Case No.
17 CV 09-1000 (PJH) (collectively, the “Related Actions”) (attached hereto as Exhibit A). The
18 *Miller* court has yet to rule on the motion to relate.

19 6. On May 12, 2009, in anticipation of the *Miller* court’s granting the above-
20 referenced motion to relate, counsel for the Wachovia Defendants filed on consent in the *Miller*
21 action a motion to transfer the Related Actions to the United States District Court for the
22 Southern District of New York (attached hereto as Exhibit B).

23 7. The hearing for the above-referenced motion to transfer is currently
24 scheduled for June 26, 2009.

25 8. The parties in the Related Actions anticipate that the *Miller* court will grant
26 the unopposed motion to relate and the unopposed motion to transfer the Related Actions to the
27 Southern District of New York. These anticipated rulings would obviate the need for a case
28 management conference before this Court.

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The Initial Case Management Conference, currently set for June 12, 2009, is hereby
to September 4, 2009.
continued ~~until after the court in *Miller v. Wachovia Corp.*, Case No. CV 09-0998 (RMW) (HRL)~~
~~rules on the pending motion to relate and motion to transfer.~~

IT IS SO ORDERED.

DATED: June 10, 2009 _____


Hon. Maxine M. Chesney