

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE HERALD, PRIMEO, AND THEMA FUNDS  
SECURITIES LITIGATION

ECF Case

Case No. 09 Civ. 0289 (RMB)

THIS DOCUMENT RELATES TO:

Case No. 09 Civ. 2558 (RMB)

NEVILLE SEYMOUR DAVIS,

Plaintiff,

*As Amended  
(sup 3)*

vs.

ALBERTO BENBASSAT, STÉPHANE  
BENBASSAT, GENEVALOR, BENBASSAT &  
CIE, GERALD J.P. BRADY, JOHN HOLLIWELL,  
SONJA KOHN, DANIEL MORRISSEY, PETER  
SCHEITHAUER, DAVID T. SMITH, WERNER  
TRIPOLT, BANK MEDICI AG, UNICREDIT SPA,  
HSBC INSTITUTIONAL TRUST SERVICES  
(IRELAND) LTD., HSBC SECURITIES SERVICES  
(IRELAND) LTD., HSBC HOLDINGS PLC,  
PRICEWATERHOUSECOOPERS  
INTERNATIONAL LTD.,  
PRICEWATERHOUSECOOPERS (DUBLIN),  
PRICEWATERHOUSECOOPERS LLP,  
PRICEWATERHOUSECOOPERS BERMUDA,  
THEMA ASSET MANAGEMENT LIMITED,  
THEMA INTERNATIONAL FUND PLC, BA  
WORLDWIDE FUND MANAGEMENT LIMITED,  
PETER MADOFF, ANDREW MADOFF, MARK  
MADOFF, WILLIAM FRY, JP MORGAN CHASE  
& CO., and THE BANK OF NEW YORK  
MELLON,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/12/10

STIPULATION EXTENDING TIME FOR DEFENDANTS  
~~PRICEWATERHOUSECOOPERS INTERNATIONAL LTD. AND~~  
~~PRICEWATERHOUSECOOPERS LLP~~ TO RESPOND TO  
THE AMENDED CLASS ACTION COMPLAINT

*All*

*RMB*

Lead Plaintiff Neville Seymour Davis enters into this stipulation with Defendants PricewaterhouseCoopers International Ltd. ("PwCIL") and PricewaterhouseCoopers LLP ("PwC US"):

1. Through their respective counsel, the PwCIL and PwC US have (a) accepted, or waived, service of summons; and (b) received a copy of the Amended Class Action Complaint (Dkt. No. 76) (the "Amended Complaint") on or before March 1, 2010.

2. Lead Plaintiff, PwCIL and PwC US, through their respective counsel, have agreed that the time for PwCIL and PwC US to answer or move to dismiss the Amended Complaint is extended to May 26, 2010, without prejudice to further extensions of time either agreed by Lead Plaintiff's counsel or ordered by the Court.

**All Motions to follow Court's rules +  
Defense motions to be joint.**

3. ~~The PwCIL and PwC US move to dismiss on or before May 26, 2010, Lead Plaintiff's brief in opposition shall be filed and served on or before July 5, 2010 and PwCIL and PwC US will each file any reply brief in support of its respective motion to dismiss on or before August 1, 2010.~~

**RMB**

4. In entering into this Stipulation, the parties hereto reserve all rights and defenses otherwise available to them, including the right to move to amend, or seek relief from, this Order. Moreover, entry into this stipulation shall not impair or otherwise affect any defenses, except with respect to a defense based on a lack of personal jurisdiction (which respective counsel for PwCIL and PwC US have indicated that they do not intend to raise before this Court), and all such rights and defenses are expressly preserved.

5. The foregoing briefing schedules are subject to Court approval.

6. This stipulation may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one stipulation.

Dated: San Diego, California  
March 10, 2010

JOHNSON BOTTINI, LLP  
Francis A. Bottini, Jr.  
Albert Y. Chang



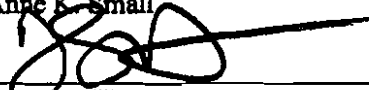
---

Francis A. Bottini, Jr.  
501 West Broadway, Suite 1720  
San Diego, CA 92101  
Telephone: (619) 230-0063  
Facsimile: (619) 238-0622

*Lead Counsel for Plaintiff and the Class*

Dated: New York, New York  
March 10, 2010

WILMER CUTLER PICKERING  
HALE & DORR LLP  
Howard M. Shapiro  
Fraser L. Hunter, Jr.  
Anne K. Small



---

Fraser L. Hunter, Jr.  
399 Park Avenue  
New York, NY 10022  
Telephone: (212) 230-8800  
Facsimile: (212) 230-8888

*Counsel for Defendant  
PricewaterhouseCoopers International Ltd.*

Dated: New York, New York  
March 10, 2010

DAVIS POLK & WARDWELL LLP  
Michael P. Carroll  
James H.R. Windels  
Michael S. Flynn



---

Michael S. Flynn  
450 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 450-3800

*Counsel for Defendant  
PricewaterhouseCoopers LLP*

SO ORDERED:



-----  
RICHARD M. BERMAN U.S.D.J.

3/12/10