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UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	

09 MD 2017 (LAK)

In re:

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LEHMAN BROTHERS SECURITIES AND ERISA LITIGATION

This Document Applies to:

San Mateo County Investment Pool v. Fuld et al., S.D.N.Y. Case No. 1:09-cv-01239-LAK

Zenith Insurance Co. v. Fuld, et al., S.D.N.Y. Case No. 1:09-cv-01238-LAK

Lou Solton, Monterey County Treasurer, on Behalf of The Monterey County Investment Pool v. Fuld, et al., S.D.N.Y. Case No. 1:09-cv-01944-LAK

> JOINT STIPULATION AND [PROPOSED] ORDER RE JOINDER IN MOTION TO REMAND

WHEREAS, on March 5, 2009, the Court entered Pretrial Order No. 5 and set a briefing schedule on motions to remand, requiring motions to be filed by March 23, 2009, opposition papers to be filed by April 13, 2009, and reply papers to be filed by April 20, 2009; and

WHEREAS, on March 23, 2009, Plaintiffs San Mateo County Investment Pool, Monterey County Investment Pool, and Zenith Insurance Company timely filed a consolidated motion to remand their actions back to San Francisco Superior Court ("County Motion to Remand"); and

WHEREAS, the MDL Panel recently entered a Conditional Transfer Order for seven other actions, including three actions filed by California cities which intend to move to remand once transfer becomes effective in this Court, (1) City of San Buenaventura v. Fuld, et al., N.D.Cal. Case No. 09-cv-00877, (2) City of Burbank v. Fuld, et al., N.D.Cal. Case No. 09-cv-00876, and (3) City of Auburn v. Fuld, et al., N.D. Cal. Case No. 09-cv-00875;

WHEREAS, since transfer of the San Buenaventura, Burbank and Auburn actions will not become effective until on or about April 3, 2009 (i.e., after the Court's deadline for remand motions set in Pretrial Order No. 5), San Buenaventura, Burbank and Auburn wish to join in the County Motion to Remand rather than seek leave to file a separate motion or modify the existing briefing schedule; and

WHEREAS, the parties jointly agree that permitting joinder will serve the interests of judicial economy and efficiency, reduce duplication, and maintain the existing briefing schedule;

THEREFORE, IT IS HEREBY AGREED, by and among the undersigned counsel, that Plaintiffs San Buenaventura, Burbank and Auburn are deemed to have timely joined in the County Motion to Remand upon the effective date of their transfer in this Court, and the briefing schedule set by Pretrial Order No. 5 shall remain the same.

Dated: April 3, 2009

Respectfully submitted.

C. MOLUMPHY

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IT IS SO ORDERED.