Kaplan, J

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re LEHMAN BROTHERS SECURITIES AND ERISA LITIGATION This Document Applies To: *In re Lehman Brothers Equity/Debt Securities Litigation*, 08-CV-5523 (LAK)	Case No. 09-MD-2017 (LAK) ECF CASE

JOINT CONSENT STIPULATION TO EXPEDITED BRIEFING SCHEDULE AND REQUEST FOR EXPEDITED ADJUDICATION OF SUNTRUST ROBINSON HUMPHREY, INC.'S MOTION TO ENFORCE CLASS ACTION SETTLEMENT AND ENJOIN ARBITRATION OF RELEASED CLAIMS

WHEREAS, Settling Underwriter Defendant[1] SunTrust Robinson Humphrey, Inc. ("SunTrust") and Metropolitan Bank Group, Inc., NC Bancorp, Inc., and certain of their affiliates, including without limitation, Archer Bank, Chicago Community Bank, Edens Bank, North Community Bank, and Plaza Bank (collectively, "Claimants") previously agreed to adjourn the hearing of FINRA Case No. 11-00237 that had been scheduled for May 30, 2012,

[1] Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Stipulation of Settlement and Release filed in this case on December 2, 2011 as Dkt. # 533-3 to Case 1:09-MD-02017-LAK (the "First Underwriter Stipulation"). Cites herein to "Dkt. # ___" refer to the case docket for Case 1:09-MD-02017-LAK.

and to seek a determination from this Court as to whether (1) the Court has jurisdiction to enjoin the prosecution of certain claims (the "Lehman Claims") and (2) if so, whether these claims were released by the settlement of this class action and should be enjoined; and

WHEREAS, SunTrust filed its Motion to Enforce Class Action Settlement and Enjoin Arbitration of Released Claims (the "Motion"; Dkt. # 917) and supporting Memorandum of Law (Dkt. # 918) and Declaration (Dkt # 919) with this Court on May 18, 2012; and

WHEREAS, pursuant to this Court's Order dated May 23, 2012 (Dkt. # 934) approving SunTrust's and Claimants' stipulated briefing schedule regarding the Motion, Claimants filed their Memorandum of Law in Opposition to the Motion and supporting Declaration (Dkt. # 933) on May 25, 2012, and SunTrust filed its Reply Memorandum of Law in Support of the Motion (Dkt. # 943) and further supporting Declaration (Dkt. # 944) on June 1, 2012; and

WHEREAS, by Order dated May 23, 2012 (Dkt. # 932), this Court referred the Motion to United States Magistrate Judge Gabriel W. Gorenstein for a Report and Recommendation pursuant to 28 U.S.C. § 636(b); and

WHEREAS, Magistrate Judge Gorenstein filed a Report and Recommendation on the case docket on June 29, 2012, recommending that SunTrust's motion should be denied; and

WHEREAS, because (1) FINRA Case No. 11-00237 has been rescheduled for a hearing to commence on August 20, 2012, with the parties' witness lists, exhibit lists, and trial briefs due to be exchanged on August 1, 2012; and (2) for the sake of efficiency, SunTrust and Claimants hope to have the benefit of this Court's ruling concerning the Motion prior to the commencement of the hearing (and, if possible, prior to the August 1 deadlines) in FINRA Case No. 11-00237; and

WHEREAS, in hopes of facilitating a decision on the Motion in advance of the aforementioned dates, SunTrust and Claimants have agreed to the expedited briefing schedule set forth below,

IT IS HEREBY STIPULATED AND AGREED by SunTrust and Claimants that:

1. SunTrust will file its Objections to the Report and Recommendation, pursuant to F.R.C.P. Rule 72 and 28 U.S.C. § 636(b) (the "Objections") on July 6, 2012; and

2. Claimants will file their response to the Objections on or before July 13, 2012.

In order to avoid the possible need for further postponement of the hearing of Claimants' FINRA action, SunTrust and Claimants respectfully request that the Court consider the parties' filings concerning the Motion and the Report and Recommendation and decide the Motion as soon thereafter as the Court's schedule permits. Should the Court wish to hear oral argument regarding the Motion, SunTrust and Claimants will do their best to make themselves available for a hearing at an early date that is convenient for the Court.

SO ORDERED, this 10 day of July 2012.

Lewis A. Kaplan
United States District Judge

Dated: July 6, 2012.

STIPULATED AND AGREED by:

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