

2/20/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/20/08

JOHN A. GENOVESE,

Plaintiff,

v.

STEPHEN B. ASHLEY, DANIEL H. MUDD,
STEPHEN M. SWAD and ROBERT J. LEVIN,

Defendants.

No. 08 CV 7831 (GEL)

STIPULATION AND ORDER

Subject to the approval of the Court, counsel for plaintiff and for defendants Stephen B. Ashley, Robert J. Levin and Daniel H. Mudd, by their undersigned attorneys, stipulate and agree as follows:

1. The undersigned attorneys accept service of the summons and complaint in this action on their respective client's behalf as of the date of this stipulation.

2. The time for Mr. Ashley, Mr. Levin and Mr. Mudd to move, answer or otherwise respond to the complaint in this action is extended until 45 days after a consolidated amended complaint has been filed in this action or in any action into which this action is consolidated.

3. If counsel for plaintiff John Genovese is selected lead counsel in this action (or in any action into which this action is consolidated) pursuant to section 21D of the Securities and Exchange Act of 1934, Mr. Ashley, Mr. Levin and Mr. Mudd agree that the lead plaintiff shall file a consolidated amended complaint no later than 45 days after entry of the Court's order appointing lead plaintiff and lead counsel.

4. Mr. Ashley, Mr. Levin and Mr. Mudd each expressly reserves all defenses other than insufficient process or insufficient service of process.

Dated: New York, New York
October 6, 2008

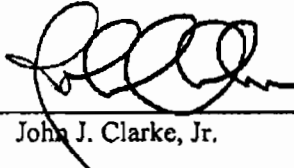
COUGHLIN, STOIA, GELLER,
RUDMAN & ROBBINS LLP

By: _____
Samuel H. Rudman
Mario Alba

58 South Service Road
Melville, New York 11747
(631) 367-7100

Attorneys for Plaintiff

DLA PIPER LLP (US)

By:  _____
John J. Clarke, Jr.

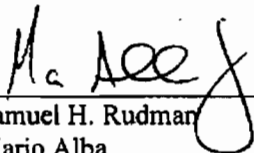
1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

Attorneys for Stephen B. Ashley

4. Mr. Ashley, Mr. Levin and Mr. Mudd each expressly reserves all defenses other than insufficient process or insufficient service of process.

Dated: New York, New York
October 6, 2008

COUGHLIN, STOIA, GELLER,
RUDMAN & ROBBINS LLP

By: 
Samuel H. Rudman
Mario Alba

58 South Service Road
Melville, New York 11747
(631) 367-7100

Attorneys for Plaintiff

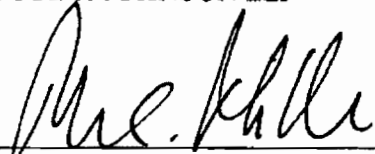
DLA PIPER LLP (US)

By: _____
John J. Clarke, Jr.

1251 Avenue of the Americas
New York, New York 10020
(212) 335-4500

Attorneys for Stephen B. Ashley

STEPTOE & JOHNSON LLP

By: 
Michael C. Miller

750 Seventh Avenue, Suite 1900
New York, New York 10019
(212) 506-3900

Mark J. Hulkower
Erik Kitchen
Michael J. Baratz
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
tel: (202) 429-3000
fax: (202) 429-3902

Attorneys for Robert J. Levin

PAUL HASTINGS JANOFSKY
& WALKER LLP

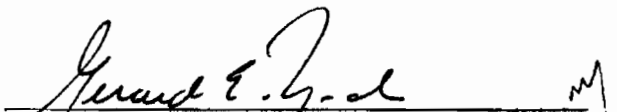
By: 
David Fleischer

Park Avenue Tower
75 E. 55th Street
First Floor
New York, NY 10022
(212) 318-6000

James D. Wareham
James E. Anklam
PAUL HASTINGS JANOFSKY
& WALKER LLP
875 15th Street, NW
Washington, DC 20005
(202) 551-1700

Attorneys for Daniel H. Mudd

SO ORDERED:


U.S.D.J. 