

WHEREAS, the parties prefer, rather than serving Requests for Admission and conducting custodian of records deposition(s), that all reasonable efforts first be made to reach agreement upon appropriate protocols that will avoid, as much as possible, disputes as to the admissibility of documentary evidence on grounds of authenticity and/or hearsay;

NOW, THEREFORE, The parties through their respective counsel of record hereby stipulate, subject to the approval of the Court, as follows:

1. The parties shall meet and confer and attempt to reach agreement on protocol(s) that will (a) avoid, as much as possible, disputes as to the admissibility of documentary evidence on grounds of authenticity and/or hearsay; and (b) address the presentation of such evidence at trial.

2. In the event the parties are unable to reach such agreement, each of the parties reserves the right to serve Requests for Admission as to the authenticity of documents and as to the applicability of the business records exception to the hearsay rule, F.R.E. 803(6), and further reserves the right to conduct Custodian of Records deposition(s) as necessary to establish authenticity and the applicability of F.R.E. 803(6). The schedule for doing so will be established at a later time closer to trial. In this regard the parties shall provide a status report to the Special Master not later than close of business, January 7, 2010.

3. Upon approval of this stipulation by the Court, Class Plaintiffs' Requests for Admission Pursuant to F.R.C.P. 36(a)(1)(b), dated May 13, 2009, are deemed withdrawn without prejudice to Class Plaintiffs' serving the same or different Requests pursuant to paragraph 2 above.

/s/ J. Clayton Athey

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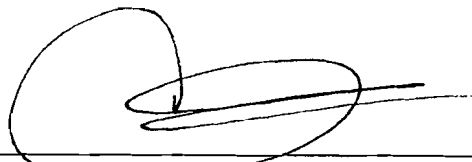
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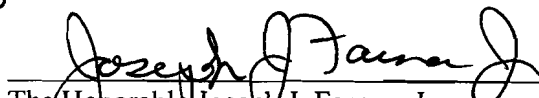
Dated: May 20, 2009



Vincent J. Poppiti (#100614)
Special Master

ENTERED this
20th day of May, 2009

SO ORDERED this 21 day of May 2009.



The Honorable Joseph J. Farnan, Jr.
United States District Judge
District of Delaware