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9 Lead Counsel for Plaintiffs

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 In re UTSTARCOM, INC. SECURITIES )  
LITIGATION )

Master File No. C-04-4908-JW(PVT)

14 \_\_\_\_\_ )

CLASS ACTION

15 This Document Relates To: )

STIPULATION REGARDING BRIEFING  
SCHEDULE (BANC OF AMERICA  
SECURITIES LLC)

16 ALL ACTIONS. )  
17 \_\_\_\_\_ )

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1 WHEREAS, on July 26, 2005, lead plaintiffs Locals 302 and 612 of the International Union  
2 of Operating Engineers-Employers Construction Industry Retirement Trust and Erwin DeBruycker  
3 ("plaintiffs") filed their First Amended Consolidated Complaint for Violation of the Federal  
4 Securities Laws ("Amended Complaint");

5 WHEREAS, defendant Banc of America Securities LLC ("defendant") has been duly served;

6 WHEREAS, defendant's answer is due on August 17, 2005;

7 WHEREAS, the parties have met and conferred and have agreed, subject to the approval of  
8 the Court, to a briefing schedule for defendant's response to the Amended Complaint; and

9 WHEREAS, on July 27, 2005, this Court approved a stipulation between plaintiffs and the  
10 UTStarcom defendants setting forth the same briefing schedule;

11 NOW, THEREFORE, IT IS HEREBY STIPULATED, pursuant to Civil L.R. 7-12, that:

12 1. Defendant shall file its response to the Amended Complaint on or before October 10,  
13 2005;

14 2. Should defendant file a motion to dismiss, plaintiffs shall file their opposition thereto  
15 on or before November 23, 2005;

16 3. Defendant shall file any reply in support of its motion to dismiss on or before  
17 December 22, 2005; and

18 4. The hearing on defendant's motion to dismiss shall be set for Monday, January 9,  
19 2006, at 9:00 a.m.

20 DATED: August 17, 2005

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DATED: August 17, 2005

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Attorneys for Defendant Banc of America  
Securities LLC

\* \* \*

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/22/05

/s/ James Ware  
THE HONORABLE JAMES A. WARE  
UNITED STATES DISTRICT JUDGE

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DECLARATION OF SERVICE BY MAIL AND FACSIMILE

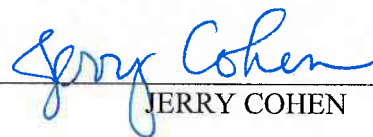
I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and employed in the City and County of San Francisco, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 100 Pine Street, Suite 2600, San Francisco, California 94111.

2. That on August 17, 2005, declarant served the **STIPULATION REGARDING BRIEFING SCHEDULE (BANC OF AMERICA SECURITIES LLC)** by depositing a true copy thereof in a United States mailbox at San Francisco, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List. Declarant also served the parties by facsimile.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of August, 2005, at San Francisco, California.

  
\_\_\_\_\_  
JERRY COHEN

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