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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>NORBERT G. KAESS AND MARIA FARRUGGIO, AND ON BEHALF OF THEMSELVES AND ALL OTHERS SIMILARLY SITUATED.</p>	<p>Case No. 09 Civ. 2556 (WHP) (ECF Case)</p>
<p>PLAINTIFFS,</p>	
<p>- against -</p>	<p>STIPULATION and PROPOSED ORDER</p>
<p>DEUTSCHE BANK AG, DEUTSCHE BANK CAPITAL FUNDING TRUST IX, DEUTSCHE BANK CAPITAL FUNDING LLC IX, DEUTSCHE BANK CAPITAL FUNDING TRUST X, DEUTSCHE BANK CAPITAL FUNDING LLC X, JOSEF ACKERMANN, ANTHONY DI IORIO, HUGO BANZIGER, HERMANN-JOSEF LAMBERTI, MARTIN EDELMANN, PETER STURZINGER, MARCO ZIMMERMAN, RAINER RAULEDER, JONATHAN BLAKE, TESSEN VON HEYDEBREACK, UBS SECURITIES, LLC, CITIGROUP GLOBAL MARKETS INC., MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED, WACHOVIA CAPITAL MARKETS, LLC, MORGAN STANLEY & CO. INCORPORATED, DEUTSCHE BANK SECURITIES INC. AND BANC OF AMERICA SECURITIES LLC,</p>	
<p>DEFENDANTS.</p>	

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys for the Plaintiffs and for Defendants in the above captioned action, and subject to the approval of the Court, that:

1. The Defendants shall not be required to, and shall not waive any rights, arguments or defenses by failing to, answer, move, or otherwise respond to the complaint in this action until after Plaintiffs have filed a Consolidated Amended Complaint. Without limiting the foregoing, by entering into this Stipulation the Defendants do not waive, and expressly reserve, any and all defenses based on insufficiency of service of process and lack of personal jurisdiction.

2. The time for Plaintiffs to file a Consolidated Amended Complaint will be 45 days after entry of an order appointing Lead Plaintiff pursuant to Section 27(a)(3)(B), 15 U.S.C.

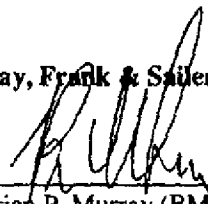
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§ 77z-1 of the Securities Act of 1933 and/or Section 21D(a)(3)(B), 15 U.S.C. § 78u-4 of the Securities Exchange Act of 1934. The time for the Defendants to answer, move or otherwise respond to the Consolidated Amended Complaint will be 45 days from filing thereof. In the event the Defendants file a motion to dismiss the Consolidated Amended Complaint, Plaintiffs will have 45 days from filing of such motion in which to file papers in opposition to the motion. The Defendants will have 30 days from filing of Plaintiffs' opposition papers in which to file reply papers.

Dated: April 8, 2009

Murray, Frank & Sailer LLP

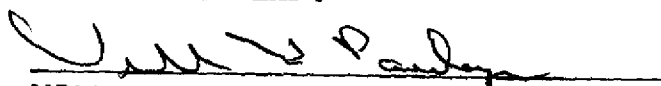


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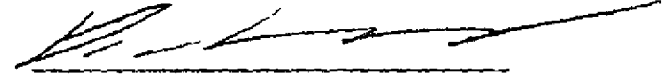
Attorneys for Plaintiffs

SO ORDERED:



WILLIAM H. PAULEY III U.S.D.J.

4/23/09



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So Ordered:
