

**STATE OF NORTH CAROLINA**  
**COUNTY OF MECKLENBURG**

**IN THE GENERAL COURT OF JUSTICE**  
**SUPERIOR COURT DIVISION**  
**CIVIL ACTION NO: 08-CVS-22374**

**MARY LOUISE GUTTMANN and LESLIE  
M. (“BUD”) BAKER, JR.,**

**Plaintiffs,**

**v.**

**CITIGROUP INC.**

**Defendant.**

**JOINT STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a) of the North Carolina Rules of Civil Procedure, and in light of the public announcement by Citigroup Inc. that it will not seek to enjoin the merger between Wachovia Corporation and Wells Fargo & Company, the parties stipulate as follows:

(1) Without waiving its rights fully to pursue monetary damages in other litigation, that Citigroup Inc. will not pursue any form of injunctive relief to seek to prevent a shareholder vote on the merger between Wachovia Corporation and Wells Fargo & Company, Inc. or pursue any other kind of injunctive relief that would prevent the consummation of that merger;

(2) That the Plaintiffs will not assert any claim or seek any relief against Citigroup Inc. for any violation of the temporary restraining order entered in this action;

(3) That the bond posted in this action as security for the temporary restraining order be returned to the Plaintiffs;

(4) That Citigroup Inc. waives and releases any claims it has against the bond or the Plaintiffs based on the temporary restraining order; and

(5) That the Plaintiffs and Defendant hereby dismiss this action pursuant to Rule 41(a) of the North Carolina Rules of Civil Procedure, with each party to bear its own costs and attorneys' fees.

This 10th day of October, 2008.

s/ Robert W. Fuller  
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