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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

ROBERT CRAGO, Individually and on  
 Behalf of All Others Similarly Situated,

Plaintiff,

v.

CHARLES SCHWAB & CO., INC., and THE  
 CHARLES SCHWAB CORPORATION,

Defendants.

Case No. 3:16-cv-03938-RS

CLASS ACTION

**NOTICE OF MOTION AND  
 PLAINTIFFS' RENEWED MOTION  
 FOR CLASS CERTIFICATION; AND  
 MEMORANDUM OF POINTS AND  
 AUTHORITIES**

Date: December 1, 2022

Time: 1:30 pm

Crtrm.: 3, 17th Floor

Honorable Richard G. Seeborg

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that, on December 1, 2022 at 1:30 p.m., before the Honorable Richard G. Seeborg, in Courtroom 3, 17th Floor, located at the Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102, Lead Plaintiff Robert Wolfson (“Wolfson”) and named plaintiff K. Scott Posson (“Posson” and, together, “Plaintiffs”) will move under Fed. R. Civ. P. 23(a), 23(b)(3), 23(c)(4) and 23(g), for an Order:

1. Certifying the following Class:

All clients of Charles Schwab & Co., Inc. or The Charles Schwab Corporation (together, “Schwab”) between July 13, 2011 and December 31, 2014 who placed one or more non-directed equity orders during the Class Period that were routed to UBS Securities, LLC (“UBS”) by Schwab pursuant to the Equities Order Handling Agreement. Excluded from the Class are the officers, directors, and employees of Schwab.

With respect to the following issues:

- a) Whether Schwab omitted to disclose material facts and/or misrepresented material facts regarding its receipt of money from UBS in exchange for routing Schwab customer orders to UBS, and/or regarding Schwab’s compliance with the duty of best execution.
- b) Whether Schwab engaged in a plan, scheme, conspiracy, and course of conduct, whereby they employed devices, schemes, and artifices to defraud in connection with the purchase and sale of securities (the “Scheme”).
- c) Whether Schwab knowingly or recklessly (i) omitted and/or misrepresented material facts and/or (ii) committed a deceptive or manipulative act in furtherance of the Scheme.

2. Appointing Plaintiffs Wolfson and Posson as Class Representatives;

3. Appointing Lead Counsel Glancy Prongay & Murray LLP and Bragar Eigel & Squire, P.C., and counsel for Plaintiff Posson, Levi & Korsinsky, LLP, as Class Counsel; and

4. Granting such other and further relief the Court may deem just and proper.

Class certification, the appointment of Plaintiffs as Class Representatives, and the appointment of Class Counsel are proper, where, as here, the Class is so numerous that joinder is impracticable, common questions of law and fact predominate regarding the issues to be certified,

1 Plaintiffs' claims are typical of the Class's claims, Plaintiffs and their counsel will fairly and  
2 adequately represent the Class, and a class action is superior to individual actions.

3       This Motion is made pursuant to the Court's August 29, 2022 Minute Entry Order (ECF No.  
4 201) and the parties' September 8, 2022 Stipulated Briefing Schedule For Renewed Motion For  
5 Class Certification And Motion To Compel Arbitration (ECF No. 202). This Motion is based on the  
6 Memorandum of Points and Authorities below, the pleadings and other filings in this action, such  
7 further argument as the Court may allow at the hearing on this motion, and any other evidence and  
8 argument that may be presented to the Court.

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