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13 Attorneys for Defendant WELLS FARGO BANK,
 14 NATIONAL ASSOCIATION

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

17 KENNETH AND GWEN BAIN,
 18 et al.,

19 Plaintiffs,

20 vs.

21 WELLS FARGO BANK,
 22 NATIONAL ASSOCIATION, et al.,

23 Defendants.

24 CASE NO.: 1:09-cv-02218-LJO-GSA

25 STIPULATION AND ORDER
 26 EXTENDING DEFENDANTS' TIME
 27 TO RESPOND TO COMPLAINT

1 **IT IS HEREBY STIPULATED AND AGREED** by and between the
2 undersigned, subject to approval by the Court, that:

3 WHEREAS, the Complaint in this action was served on Defendant
4 The Bank of New York Mellon (“BNYM”) on December 29, 2009;

5 WHEREAS, the Complaint in this action was served on Defendant
6 Wells Fargo Bank, National Association (“Wells Fargo”) on or about December 24,
7 2009;

8 WHEREAS, by stipulation dated on or about January 20, 2010, the
9 parties agreed to extend the Defendants’ time to respond to the Complaint for a
10 period of no greater than twenty-eight days until on or before February 16, 2010;

11 WHEREAS, on February 4, 2010, Defendants filed a joint petition
12 with the Judicial Panel on Multidistrict Litigation (“MDL Panel”) requesting that
13 centralized pretrial proceedings take place in the instant action and five other
14 actions currently pending in the Central District of California (“Joint Petition”);

15 WHEREAS, Defendants expect their Joint Petition to be heard by the
16 MDL Panel on March 25, 2010, which is the next tentatively-scheduled sitting of
17 the MDL Panel;

18 WHEREAS, on February 12, 2010, Defendants filed a joint *ex parte*
19 application seeking an extension of time to respond to the Complaint in the instant
20 action until thirty days after the MDL Panel rules on Defendants Joint Petition;

21 WHEREAS, Plaintiffs now have agreed to the relief sought by
22 Defendants in their *ex parte* application;

23 **THEREFORE, IT IS STIPULATED AND AGREED**, by and
24 between the parties, through their respective attorneys of record, as follows:

25 Defendants BNYM and Wells Fargo’s time to respond to the
26 Complaint shall be extended until thirty days after the MDL Panel rules on
27
28

1 Defendants' joint petition requesting the transfer of this action for pretrial
2 proceedings to the Central District of California.

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4 DATED: February 16, 2010

MUNGER, TOLLES & OLSON LLP
MARC T.G. DWORSKY
LAWRENCE C. BARTH
JOSHUA P. GROBAN

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By: /s/ Joshua P. Groban
JOSHUA P. GROBAN

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Attorneys for Defendant
WELLS FARGO BANK, NATIONAL
ASSOCIATION

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11 DATED: February 16, 2010

GIBSON, DUNN & CRUTCHER LLP
JOEL A. FEUER

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By: /s/ Joel A. Feuer
JOEL A. FEUER

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Attorneys for Defendant
THE BANK OF NEW YORK
MELLON CORPORATION

17 DATED: February 16, 2010

PERKINS, MANN & EVERETT

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By: /s/ Douglas V. Thornton
DOUGLAS V. THORNTON

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Attorneys for Plaintiffs

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23 **IT IS SO ORDERED:**

24 DATED: February 16, 2010

By: /s/ Gary S. Austin
Hon. Gary S. Austin
United States Magistrate Judge

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