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WELLS FARGO & COMPANY CASH BALANCE
7 PLAN, erroneously sued as WELLS FARGO &
COMPANY, and Counter-Claimant WELLS FARGO
8 & COMPANY

9
10 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)

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12
13 TAMMIE S. COHEN, as Trustee of the C.
STARK 2004 TRUST,

14 Plaintiff,

15 v.

16 SONJA DIANE KNUTSEN, aka, SONJA DIANE
KNUTSEN STARK,

17 Defendant.

18
19 SONJA DIANE KNUTSEN, an individual,

20 Cross-Complainant,

21 v.

22 WELLS FARGO & COMPANY, a Delaware
23 corporation, and DOES 1-20, inclusive,

24 Cross-Defendants.
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27
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Case No. 1:13-cv-00687-LJO-SAB

**STIPULATION AND ORDER
CONTINUING SCHEDULING
CONFERENCE PENDING RULING ON
MOTION TO REMAND**

1 WELLS FARGO & COMPANY CASH
2 BALANCE PLAN, an ERISA plan, and WELLS
3 FARGO & COMPANY, a Delaware Corporation,

4 Counter-Complainants

5 v.

6 SONJA DIANE KNUTSEN, an individual,
7 TAMMIE S. COHEN, as an individual and as
8 Trustee of the C. Stark 2004 Trust, and Does 1-10,
9 inclusive,

10 Counter-Defendants.

11 Pursuant to Civil Local Rule 143, the parties to the above-entitled actions, through counsel,
12 jointly submit this Stipulation and Proposed Order Continuing Case Management Conference Pending
13 Ruling on Motion to Remand, as follows:

14 **WHEREAS**, on May 9, 2013, Wells Fargo & Company (“Wells Fargo”) removed this action to
15 this Court on the basis that Sonja Knutsen’s Cross-Complaint, filed in Stanislaus County Superior Court,
16 was subject to removal on the basis of federal question jurisdiction;

17 **WHEREAS**, on May 16, 2013, Wells Fargo and its Cash Balance Plan (“Plan”) filed an Answer
18 to Ms. Knutsen’s Cross-Complaint and a Counter-Complaint in Interpleader against Ms. Knutsen and
19 Tammie Cohen;

20 **WHEREAS**, on June 11, 2013, Ms. Cohen filed a Motion to Remand this action to state court,
21 currently scheduled for hearing on July 31, 2013; and

22 **WHEREAS**, pursuant to the Court’s Order Setting Mandatory Scheduling Conference for July
23 23, 2013, all parties are required to conduct a conference regarding a Joint Scheduling Report by July 3,
24 2013, and to file a Joint Scheduling Report by July 16, 2013.

25 **IT IS HEREBY STIPULATED AND AGREED** by and among the parties, through their
26 respective counsel of record, as follows: in light of Ms. Cohen’s pending Motion to Remand, the parties
27 respectfully request that the Court continue the Mandatory Scheduling Conference to **August 27, 2013**
28 **at 3:30 p.m.**, or another date and time convenient for the Court, if the Court retains jurisdiction of this
action following its ruling on Ms. Cohen’s Motion to Remand.

1 The parties further respectfully request that the Court continue all deadlines affiliated with the
2 Mandatory Scheduling Conference.

3
4 DATED: July 2, 2013

SEYFARTH SHAW LLP

5
6 By /s/ Michelle M. Scannell
Kathleen Cahill Slaught
Michelle M. Scannell
7 Attorneys for Cross-Defendant and Counter
8 Claimant, WELLS FARGO & COMPANY
CASH BALANCE PLAN and Counter-
9 Claimant WELLS FARGO & COMPANY

10 DATED: July 1, 2013

JOHN STEVEN CECHINI, INC.

11 By /s/ John S. Cechini
John Steven Cechini
12 Attorney Plaintiff
13 TAMMIE S. COHEN

14 DATED: July 2, 2013

TUTTLE & VAN KONYNENBURG, L.L.P.

15
16 By /s/ Frank A. Van Konynenburg
Frank A. Van Konynenburg
17 Attorneys for Defendant, Cross-Complainant
18 and Counter-Defendant
SONJA DIANE KNUTSEN

19 **PURSUANT TO STIPULATION, IT IS SO ORDERED**, as follows:

20 The Mandatory Scheduling Conference currently scheduled for July 23, 2013 is continued to
21 **August 27, 2013 at 3:30 p.m.** The Joint Scheduling Report shall be filed at least one week prior to the
22 Mandatory Scheduling Conference.
23 IT IS SO ORDERED.

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25 Dated: **July 5, 2013**

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27 _____
28 UNITED STATES MAGISTRATE JUDGE