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10 Attorneys for Defendant
11 WELLS FARGO BANK, N.A.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA

14 BRENDAN OLEARY, on behalf of himself and
15 all others similarly situated,

16 Plaintiff,

17 vs.

18 WELLS FARGO BANK, N.A.; and DOES 1
19 through 50, inclusive,

20 Defendants.

) CASE NO. 2:10-cv-01913-MCE-GGH

) Hon. Morrison C. England

) **STIPULATION EXTENDING TIME**
) **FOR DEFENDANT WELLS FARGO**
) **BANK, N.A. TO ANSWER OR**
) **OTHERWISE RESPOND TO**
) **COMPLAINT; ORDER**

) [Local Rule 144]

21 WHEREAS, on July 20, 2010 plaintiff Brendan O’Leary (“Plaintiff”), on behalf of himself
22 and purportedly on behalf of a putative nationwide class of similarly situated individuals, filed a
23 Complaint against defendant Wells Fargo Bank, N.A. (“Wells Fargo”);

24 WHEREAS, the Complaint was served on Wells Fargo on September 30, 2010, and Wells
25 Fargo’s responsive pleading would have been due on October 21, 2010;

26 WHEREAS, the parties entered into a Stipulation Extending Time for Defendant Wells
27 Fargo Bank, N.A. to Answer or Otherwise Respond to the Complaint (Dkt. No. 6) on October 20,
28 2010 that extended Wells Fargo’s time to respond to the Complaint by twenty-eight (28) days until
November 18, 2010;

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1 WHEREAS, the parties entered into and filed a Stipulation Extending Time For Defendant
2 Wells Fargo Bank, N.A. To Answer or Otherwise Respond to Complaint; [Proposed] Order on
3 November 18, 2010 (Dkt. Not. 7);

4 WHEREAS, on December 1, 2010 the Court entered an Order granting Wells Fargo a sixty
5 (60) day extension to January 17, 2011 to answer or otherwise respond to Plaintiff's Complaint (Dkt.
6 No. 8);

7 WHEREAS, this matter is one of several related cases that have been filed against Wells
8 Fargo by one of the law firms representing Plaintiff in this case;

9 WHEREAS, the parties have participated in private mediation with Judge Infante of JAMS in
10 one of the related cases, *Hamilton v. Wells Fargo Bank, N.A.*, Case No. 09-cv-4152 (N.D. Cal.), at
11 which time the parties and their counsel discussed the potential settlement of all the related cases
12 against Well Fargo, including this case, and have made progress toward a settlement;

13 WHEREAS, the parties believe it is in their interest and the interest of the Court to preserve
14 the parties' and the court's resources to extend the time for Wells Fargo to respond to the Complaint;

15 WHEREAS, the parties have agreed to extend the time for Wells Fargo to move, answer, or
16 otherwise respond to the Complaint by seventy (70) additional days;

17 NOW THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Wells
18 Fargo, through their respective counsel, that Wells Fargo's time to answer or otherwise respond to
19 the Complaint is extended by an additional seventy (70) days to **March 28, 2011**.

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Dated: December 29, 2010
LOCKE LORD BISSELL & LIDDELL LLP
By: /s/ Daniel A. Solitro
Thomas J. Cunningham
Daniel A. Solitro
Attorneys for Defendant
WELLS FARGO BANK, N.A.

1 Dated: December 29, 2010

HARRISON PATTERSON & O'CONNOR LLP

2
3 By: /s/ James R. Patterson

4 James R. Patterson

Alisa A. Martin

5 Attorneys for Plaintiff

6 BRENDAN OLEARY

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1 **ORDER ON STIPULATION**


2 Having considered the parties' stipulation and good cause appearing therefore, the Court
3 orders as follows:

4 Wells Fargo Bank, N.A. is granted a seventy (70) day extension to March 28, 2011 to answer
5 or otherwise respond to Plaintiff Brendan O'Leary's Complaint.

6 The foregoing stipulation of the parties is hereby adopted.

7 **IT IS SO ORDERED.**

8 DATED: January 14, 2011

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10 MORRISON C. ENGLAND, JR.
11 UNITED STATES DISTRICT JUDGE

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