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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;

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, the parties entered into and filed a Stipulation Extending Time for Defendant  
8 Wells Fargo Bank, N.A. To Answer or Otherwise Respond to Complaint on December 29, 2010  
9 (Dkt. No. 9);

10 WHEREAS, on January 14, 2011 the Court entered an Order granting Wells Fargo a seventy  
11 (70) day extension to March 28, 2011 to answer or otherwise respond to Plaintiff's Complaint (Dkt.  
12 No. 11);

13 WHEREAS, this matter is one of several related putative class action cases that have been  
14 filed against Wells Fargo by one of the law firms representing Plaintiff in this case;

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

19 WHEREAS, the parties have reached agreement on most aspects of class-wide relief for a  
20 nationwide class that would resolve five (5) cases filed against Wells Fargo that are currently  
21 pending in this Court, in the U.S. District Court for the Northern District of California, and in the  
22 U.S. District Court for the Northern District of Illinois;

23 WHEREAS, the parties have some additional details that require resolution but are close  
24 enough to a settlement that a draft settlement agreement has been prepared;

25 WHEREAS, upon completion of the negotiation of class relief the parties will negotiate the  
26 issue of Plaintiffs' attorneys' fees;

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WHEREAS, the parties believe that an additional mediation session with Judge Infante to complete their negotiations may be required, but Judge Infante does not have availability to conduct a mediation until mid-May, 2011;

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

WHEREAS, the parties have agreed to extend the time for Wells Fargo to move, answer, or otherwise respond to the Complaint by ninety (90) additional days;

NOW THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Wells Fargo, through their respective counsel, that Wells Fargo's time to answer or otherwise respond to the Complaint is extended by an additional ninety (90) days to **June 27, 2011**.

Dated: March 18, 2011

LOCKE LORD BISSELL & LIDDELL LLP

By: /s/ Daniel A. Solitro  
Thomas J. Cunningham  
Daniel A. Solitro  
Attorneys for Defendant  
WELLS FARGO BANK, N.A.

Dated: March 18, 2011

HARRISON PATTERSON & O'CONNOR LLP

By: /s/ James R. Patterson  
James R. Patterson  
Alisa A. Martin  
Attorneys for Plaintiff  
BRENDAN OLEARY

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**ORDER ON STIPULATION**

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

Wells Fargo Bank, N.A. is granted a ninety (90) day extension to June 27, 2011 to answer or otherwise respond to Plaintiff Brendan O'Leary's Complaint.

The foregoing stipulation of the parties is hereby adopted and **IT IS SO ORDERED.**

Dated: April 6, 2011

  
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MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE