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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 a putative nationwide class of similarly situated individuals, filed a Complaint against defendant
23 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 Bank’s time to respond to the Complaint by twenty-eight (28) days
until November 18, 2010;

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WHEREAS, this Stipulation was the only extension of time previously obtained for Wells Fargo to respond to the Complaint;

WHEREAS, the parties in another case challenging Wells Fargo's HELOC treatment policies and practices, *Hamilton v. Wells Fargo Bank, N.A.*, Case No. 09-cv-4152 (N.D. Cal.), participated in a mediation during which time the parties and their counsel, including counsel for Plaintiff in this matter, discussed the potential settlement of all cases that challenge Well Fargo;s HELOC treatment policies and practices, including this case, and have made progress toward a settlement;

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 sixty (60) 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 sixty (60) days to **January 17, 2011**.

Dated: November 18, 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.

Dated: November 18, 2010

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 sixty (60) day extension to January 17, 2011 to answer or otherwise respond to Plaintiff Brendan O'Leary's Complaint. No additional extensions of time will be granted. The foregoing stipulation of the parties is hereby adopted.

IT IS SO ORDERED.

DATED: November 30, 2010


MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE