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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

15 MELLISSA GABRIELLA, STEVE
 16 YOUMANS and VERONICA ACEVES,

17 Plaintiffs,

18 v.

19 WELLS FARGO FINANCIAL, INC.,
 WELLS FARGO FINANCIAL
 20 CALIFORNIA, INC. d/b/a WELLS FARGO
 FINANCIAL AND WELLS FARGO
 21 FINANCIAL ACCEPTANCE, and DOES 1-
 50,

22 Defendants.
 23

Case No. C064347 SI

**JOINT CASE MANAGEMENT
 STATEMENT AND MOTION TO
 VACATE CASE MANAGEMENT
 CONFERENCE**

Judge: Hon. Susan Illston

Date Action Filed: July 17, 2006

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WELLS FARGO FINANCIAL, INC. and
27 WELLS FARGO FINANCIAL CALIFORNIA, INC.
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1 The parties to the above-entitled action jointly submit this Case Management Statement
2 pursuant to the Court's Notice dated March 12, 2009 (Docket No. 308), and hereby jointly move
3 the Court to vacate the case management conference set for March 20, 2009 at 3:00 p.m.

4 On January 26, 2009, the Court issued an Order granting Plaintiffs' motion for stay
5 pending the California Supreme Court's decision in *Brinker Restaurant Corporation v. Superior*
6 *Court of San Diego County*, 80 Cal. Rptr. 3d 781 (2008), pet. for review granted (Oct. 22, 2008).
7 (Docket No. 305). In its Order, the Court stated that at the case management conference
8 scheduled for January 30, 2009, the parties should be prepared to discuss whether there is any
9 discovery or other legal activity that can effectively proceed during the pendency of the stay.

10 Prior to the January 30 conference, the parties met and conferred, and agreed to stay all
11 discovery during the stay of the case, with the exception of the depositions of plaintiffs Aceves
12 and Youmans. Because the parties did not need any dates set by the Court, the parties requested
13 that the Court vacate the January 30 conference. (Docket No. 306.) That same day, the Court
14 continued the case management to March 20, 2009. (Docket No. 307.)

15 The parties agree that there is still no need for a case management conference because the
16 case is still stayed pending the outcome of *Brinker* and because the parties do not need the
17 Court's assistance with any dates at this time. The parties therefore respectfully request that the
18 Court vacate the hearing.

19
20 Dated: March 16, 2009

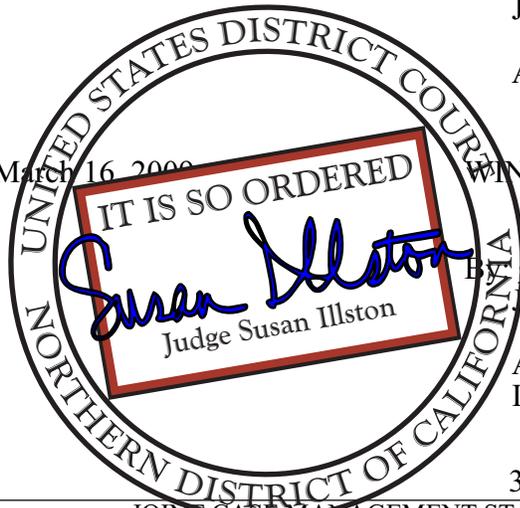
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22 By: s/ Jodi Collova
JODI COLLOVA

23 Attorneys for Plaintiffs

24
25 Dated: March 16, 2009

WINSTON & STRAWN LLP



26 By: s/Joan B. Tucker Fife
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28 Attorneys for Defendants Wells Fargo Financial,
Inc. and Wells Fargo Financial California, Inc.

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ATTESTATION OF CONCURRENCE

I, Joan B. Tucker Fife, declare under penalty of perjury that concurrence in the filing of this document has been obtained from Jodi Collova, attorney for Plaintiffs.

Dated: March 16, 2009

WINSTON & STRAWN LLP

By: s/Joan B. Tucker Fife
JOAN B. TUCKER FIFE

Attorneys for Defendants Wells Fargo Financial,
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