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 10 Wachovia Mortgage, FSB

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO/OAKLAND DIVISION

14 LETICIA ZAMORA and DANIEL PEREZ and
 ELIZABETH PEREZ,

15 Plaintiffs,

16 vs.

17 WACHOVIA CORPORATION and WORLD
 18 SAVINGS BANK,

19 Defendants.

No.: C 07 4603 JSW

**JOINT STIPULATION AND REQUEST FOR
 FURTHER CASE MANAGEMENT
 CONFERENCE
 AND ORDER THEREON**

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 23 Plaintiffs Javier and Leticia Zamora and Daniel and Elizabeth Perez (“Plaintiffs”) and
 24 Defendant Wachovia Mortgage FSB, sued and f/k/a as “World Savings Bank” (“Wachovia”), by and
 25 through their undersigned counsel of record, jointly stipulate and request that this Court set a Further
 26 Case Management Conference in this action on the first available date on the Court's calendar after
 27 January 26, 2009, in order to permit counsel to report to the Court on the status of mediation and
 28 other related issues in the action, including the presently set pretrial and trial calendar.

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1 As the Court is aware, the parties in this action commenced private mediation before Judge
2 Edward Infante (ret.) of JAMS on May 13, 2008, at which time they agreed to a period of limited
3 informal exchanges of information necessary to permit further meaningful mediation discussions.
4 The parties reported to the Court at their subsequent June 20, 2008 Further Case Management
5 Conference that this schedule would require a short relaxation of then-pending pretrial and trial
6 dates. The Court thereafter established a new case management schedule that, inter alia, presumed a
7 further mediation before Judge Infante in September of 2008.

8 That further mediation session took place as planned on September 15, 2008. The parties
9 believe that they made significant progress during that session. Among other things, they agreed to
10 exchange proposals regarding specific possible settlement mechanisms and the specific claims by
11 Plaintiffs, including Plaintiffs' prayers for prospective injunctive relief, and to then return to
12 mediation with Judge Infante on December 22, 2008 after direct negotiation on such matters.

13 Shortly thereafter, in the first week of October of 2008, Wachovia's parent entity, Wachovia
14 Corp., entered into an agreement to be acquired by Wells Fargo. This event had not been
15 contemplated at the time that the parties set their proposed mutual calendar for further direct
16 negotiations and mediation sessions in this action.

17 The acquisition of Wachovia by Wells Fargo is scheduled to close on December 31, 2008,
18 conditioned upon appropriate shareholder approval. As of January 1, 2009, therefore, Wells Fargo
19 will assume the authority necessary to enter into any determination of whether, and if so on what
20 terms, the pending action could be resolved short of trial. Accordingly, and so as to permit a
21 reasonable short time to identify and accommodate the change(s) will take place after Wells Fargo's
22 acquisition of Wachovia is completed, the Parties stipulate that a Further Case Management

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1 Conference is appropriate and jointly request a that such a conference be set for the first available
2 date on the Court's calendar after January 26, 2009.

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4 Dated: December 1, 2008

Reed Smith LLP

5
6 By /s/ Heather B. Hoesterey
7 Jack R. Nelson
8 Heather B. Hoesterey
9 Attorneys for Defendant Wachovia Mortgage, FSB

10 Dated: December 1, 2008

Bonnett, Fairbourn, Friedman & Balint P.C.

11
12 By /s/ Andrew S. Freidman
13 Andrew S. Friedman (pro hac vice)
14 Lead Interim Class Counsel

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16 A further case management conference is HEREBY SET for February 20, 2009
17 at 1:30 p.m. A joint case management statement shall be filed no later than
18 February 13, 2009.

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20 IT IS SO ORDERED.

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22 Dated: December 2, 2008

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24 
25 JEFFREYS. WHITE
26 DISTRICT COURT JUDGE

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