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8 Lead Counsel for the Class

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**UNITED STATES DISTRICT COURT**

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**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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LINDELL VAN DYKE, AS TRUSTEE FOR )  
 THE VAN DYKE FAMILY TRUST, )  
 13 Individually And On Behalf of All Others )  
 Similarly Situated, )

**Case No. CV-08-1962 (JSW)**

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Plaintiff,

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vs.

**STIPULATION AND [PROPOSED]  
ORDER CONSOLIDATING CASES**

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WELLS FARGO & CO. and WELLS FARGO )  
 INVESTMENTS, LLC, )

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Defendants.

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DONALD F. HILDRE,

**Case No. CV-08-5229 (MHP)**

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Plaintiff,

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vs.

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WELLS FARGO BANK, LTD., WELLS )  
 FARGO INVESTMENTS, LLC, WELLS )  
 25 FARGO INVESTMNET ADVISORS, LLC, )

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Defendants.

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1 Pursuant to Fed. R. Civ. P. 42(a), Civil Local Rule 23-1(b), and Manual for Complex Litigation,  
2 Fourth, §§ 11.12, 11.21 and 31 (2004), Lead Plaintiff in the *Van Dyke* action and Plaintiff Donald F.  
3 Hildre stipulate as follows:

4 CONSOLIDATION OF RELATED CASES

5 1. By Order dated December 4, 2008, the Court accepted the *Hildre* action as related to the  
6 *Van Dyke* action within the meaning of Civil L.R. 3-12. Judicial economy and the risk of inconsistent  
7 judgments in separate proceedings favor consolidation. Consolidation poses no risk of prejudice, as  
8 plaintiffs' counsel in *Hildre* has acknowledged that Mr. Hildre is a member of proposed class in *Van*  
9 *Dyke*. Moreover, the two matters share common questions and law that arise out of the same series of  
10 transactions or occurrences and fact, and the claims in the two matters largely overlap. Accordingly,  
11 pursuant to Fed. R. Civ. P. 42(a) and 15 U.S.C. § 78u-4(a)(3)(ii) as amended by the Private Securities  
12 Litigation Reform Act of 1995 (the "PSLRA"), these cases are hereby consolidated into Civil Action  
13 No. CV-08-2599 (JSW) for all purposes before this Court. The consolidated action shall be captioned:  
14 "*In re Wells Fargo Auction Rate Securities Litigation.*"

15 2. All related actions that are subsequently filed in, or transferred to, the District shall be  
16 consolidated into this action for all purposes. This Order shall apply to every such related action, absent  
17 order of the Court. A party that objects to such consolidation, or to any other provision of this Order,  
18 must file an application for relief from this Order within thirty days after the date on which a copy of the  
19 order is served on the party's counsel, pursuant to Paragraph 7 herein.

20 3. This Order is entered without prejudice to the rights of any party to apply for severance  
21 of any claim or action, for good cause shown.

22 MASTER DOCKET AND CAPTION

23 4. The docket in Civil Action No. CV-08-2599 (JSW) shall constitute the Master Docket  
24 for this action.

25 5. Every pleading filed in the consolidated action shall bear the following caption:

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1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA

3 In re WELLS FARGO AUCTION RATE )  
4 SECURITIES LITIGATION )

Master File No. CV-08-2599 (JSW)

5 \_\_\_\_\_ )  
6 This Document Relates To: )  
7 \_\_\_\_\_ )  
8 \_\_\_\_\_ )

CLASS ACTION

9 6. The file in Civil Action No. CV-08-2599 (JSW) shall constitute a Master File for every  
10 action in the consolidated action. When the document being filed pertains to all actions, the phrase "All  
11 Actions" shall appear immediately after the phrase "This Document Relates To:." When a pleading  
12 applies only to some, not all, of the actions, the documents shall list, immediately after the phrase "This  
13 Document Relates To:.", the docket number for each individual action to which the document applies,  
14 along with the last name of the first-listed plaintiff in said action (e.g. "No. C-[action number] (Doe)]."

15 7. The parties shall file a Notice of Related Cases pursuant to the Civil L.R. 3-12 whenever  
16 a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court  
17 determines that the case is related, the clerk shall:

- 18 a. place a copy of this Order in the separate file for such action;  
19 b. serve on plaintiff's counsel in the new case a copy of this Order;  
20 c. direct that this Order be served upon defendants in the new case; and  
21 d. make the appropriate entry in the Master Docket.

22 APPOINTMENT OF LEAD COUNSEL AND LEAD PLAINTIFF

23 8. By Order entered on October 15, 2008 in the *Van Dyke* action, the Court appointed  
24 Lindell Van Dyke and Sandra Olsen to serve as Lead Plaintiff, and the law firm of Girard Gibbs LLP to  
25 serve as Lead Counsel for the Class, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of  
26 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the PSLRA.

27 9. Lead Plaintiff's Counsel shall have authority to speak for, and enter into agreements on  
28 behalf of, plaintiffs in all matters for all purposes, including pretrial procedures, discovery and

1 settlement negotiations. Lead Plaintiff's Counsel shall be responsible for communications with the  
2 Court. Lead Plaintiff's Counsel shall maintain a master service list of all parties and counsel.

3 10. Agreements made with Lead Plaintiff's Counsel shall be binding on all plaintiffs.

4 11. Lead Plaintiffs shall file a consolidated complaint according to a schedule agreed upon by  
5 Lead Plaintiffs and Defendants. The consolidated complaint shall be the operative complaint and shall  
6 supersede all complaints filed in any of the actions consolidated herein.

7 DATED: December 9, 2008

GIRARD GIBBS LLP

8 By: CHC Sharp

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17 *Lead Counsel for the Class*

18 DATED: December 8, 2008

GIRARDI & KEESE LLP

19 By: [Signature]

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26 *Counsel for Plaintiff Donald Hildre*

27 THE FOREGOING STIPULATION  
28 IS APPROVED AND IS SO ORDERED.

DATED: December 9, 2008

Jeffrey S. White  
THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE