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9 Attorneys for Defendants
 U.S. BANCORP and
 10 U.S. BANK NATIONAL ASSOCIATION,
 sued as "U.S. BANK, N.A."
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

16 GEORGE T. BURKE, ROBERT LOWE and
 LORI ALDANA, husband and wife; SHANE
 17 PARKINS and KARA PARKINS, husband and
 wife, on behalf of themselves and all others
 18 similarly situated,

19 Plaintiffs,

20 v.

21 U.S. BANCORP, U.S. BANK, N.A., and DOES
 1 through 10, inclusive,

22 Defendants.
 23

Case No. CV 09 1579 JSW

CLASS ACTION

**STIPULATION AND ~~[PROPOSED]~~
 ORDER STAYING ACTION
 PENDING RESOLUTION OF MDL
 TRANSFER ISSUE**

Hon. Jeffrey S. White

1 Plaintiffs George T. Burke, Robert Lowe, Lori Aldana, Shane Parkins, and Kara Parkins
2 (“Plaintiffs”) and Defendants U.S. Bancorp and U.S. Bank National Association, sued as “U.S.
3 Bank, N.A.” (“Defendants”), by and through their respective attorneys, hereby stipulate and agree
4 as follows:

5 WHEREAS, this Action involving the imposition of checking account overdraft fees was
6 commenced on February 6, 2009, in California State Superior Court;

7 WHEREAS, Defendants removed this Action from California State Superior Court on
8 April 10, 2009;

9 WHEREAS, Plaintiffs filed their Second Amended Complaint in this Action on July 14,
10 2009;

11 WHEREAS, on July 17, 2009, Defendants filed an Administrative Motion to Consider
12 Whether Cases Should be Related, pursuant to Civil Local Rule 3-12, with respect to this Action
13 and another checking account overdraft fee action pending against Defendants in this District,
14 *Wilyum Waters, et al. v. U.S. Bancorp, et al.*, Case No. CV 09 2071 EMC (“*Waters*”);

15 WHEREAS, on July 28, 2009, this Court issued a Related Case Order reassigning *Waters*
16 to this Court (*see* Dkt. No. 25);

17 WHEREAS, on June 10, 2009, the Judicial Panel for Multidistrict Litigation (the “Panel”)
18 issued a Transfer Order in *In re Checking Account Overdraft Litigation* (MDL No. 2036) (*see*
19 Exhibit A);

20 WHEREAS, the Panel’s June 10, 2009 Transfer Order transferred to the Southern District
21 of Florida three other class actions involving the imposition of checking account overdraft fees
22 for consolidated or coordinated pretrial proceedings with two actions already pending in that
23 District;

24 WHEREAS, since June 10, 2009, the Panel has transferred additional class actions
25 involving the imposition of checking account overdraft fees to the Southern District of Florida as
26 “tag-along” actions to *In re Checking Account Overdraft Litigation* (MDL No. 2036);

1 WHEREAS, on or about July 16, 2009, the plaintiffs in *Waters* filed a notice with the
2 Panel identifying *Waters* and this Action as potential “tag-along” actions to *In re Checking*
3 *Account Overdraft Litigation* (MDL No. 2036) (*see* Exhibit B);

4 WHEREAS, on July 23, 2009, the Panel issued a Conditional Transfer Order
5 conditionally transferring this Action, *Waters*, and a third, unrelated action to the Southern
6 District of Florida as potential “tag-along” actions to *In re Checking Account Overdraft Litigation*
7 (MDL No. 2036) (*see* Exhibit C);

8 WHEREAS, any notices of opposition to the Panel’s July 23, 2009 Conditional Transfer
9 Order are due by August 7, 2009;

10 WHEREAS, the parties to this Action wish to avoid the unnecessary consumption of their
11 own and the Court’s resources and time while awaiting a decision by the Panel on whether this
12 Action should be transferred to the Southern District of Florida for consolidated or coordinated
13 pretrial proceedings as a “tag-along” action to *In Re Checking Account Overdraft Litigation*
14 (MDL No. 2036);

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among
16 Plaintiffs and Defendants, by and through their respective attorneys of record, as follows:

17 1. This Action shall be stayed pending a decision by the Panel on whether this Action
18 should be treated as a “tag-along” action to *In Re Checking Account Overdraft Litigation* (MDL
19 No. 2036) and transferred to the Southern District of Florida.

20 2. The foregoing stay shall include the stay of Defendants’ obligation to respond to
21 Plaintiffs’ Second Amended Complaint and the parties’ obligations related to the Initial Case
22 Management Conference currently scheduled for September 4, 2009.

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