

1 BINGHAM MCCUTCHEN LLP
 DONALD DAVIDSON (SBN 231908)
 2 KEVIN J. WOODS (SBN 214819)
 Three Embarcadero Center
 3 San Francisco, CA 94111
 Telephone: 415-393-2000
 4 Fax: 415-393-2286
 donald.davidson@bingham.com
 5 kevin.woods@bingham.com

6 BINGHAM McCUTCHEN LLP
 MICHAEL D. BLANCHARD (*pro hac vice*)
 7 One State Street
 Hartford, CT 06103-3178
 8 T 860.240.2700
 F 860.240.2800
 9 michael.blanchard@bingham.com

10 Attorneys for Defendants
 Wells Fargo Advisors, LLC, Wells Fargo Advisors
 11 Financial Network, LLC, Wells Fargo Securities, LLC,
 and Wells Fargo & Company

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

15 THEODORE KAGAN, JAMES AVEN,
 16 FRANCES LEVY, ELAINE SOFFA, JOSEPH
 SOFFA, and ALBERKRACK FAMILY
 17 LIMITED PARTNERSHIP, on behalf of
 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 WACHOVIA SECURITIES, LLC, a North
 Carolina limited liability company; WACHOVIA
 21 SECURITIES FINANCIAL NETWORK, LLC, a
 North Carolina limited liability company;
 22 WACHOVIA CAPITAL MARKETS, LLC, a
 North Carolina limited liability company;
 23 WELLS FARGO ADVISORS, LLC, a Delaware
 limited liability company; WELLS FARGO
 24 ADVISORS FINANCIAL NETWORK, LLC, a
 Delaware limited liability company; WELLS
 25 FARGO SECURITIES, LLC, a Delaware limited
 liability company; WELLS FARGO &
 26 COMPANY, a Delaware corporation and DOES
 1 through 10, inclusive,

27 Defendants.
 28

No. CV 09 5337 SC

**JOINT STIPULATION BETWEEN
 PLAINTIFFS AND DEFENDANTS
 AND [PROPOSED] ORDER RE:
 DATES FOR FILING RESPONSIVE
 PLEADING**

Place: Courtroom 1
 Judge: Hon. Samuel Conti

A/73582102.1/3003050-0000343638

1 This Stipulation is entered into by and among plaintiffs Theodore Kagan, James
2 Aven, Frances Levy, Elaine Soffa, Joseph Soffa, and Alberkrack Family Limited Partnership
3 (collectively, "Plaintiffs"), on the one hand, and defendants Wells Fargo Advisors, LLC, Wells
4 Fargo Advisors Financial Network, LLC, Wells Fargo Securities, LLC, and Wells Fargo &
5 Company ("Defendants"), on the other hand, with the following facts:

6 A. Plaintiffs filed their First Amended Class Action Complaint in the above-
7 captioned matter (the "Amended Complaint") on or about August 6, 2010;

8 B. Defendants filed a motion to dismiss the Amended Complaint on September
9 20, 2010.

10 C. On November 23, 2010, the Court denied Defendants' motion to dismiss.

11 **IT IS HEREBY STIPULATED AND AGREED as follows:**

12 1. Defendants' response to the Amended Complaint is currently due on Tuesday
13 December 7, 2010;

14 2. Defendants' counsel seek a short, four-business day extension of time to file an
15 Answer to the Amended Complaint because in-house counsel with authority to approve the
16 Answer is unavailable through the end of the week. Defendants stipulate that they will file an
17 Answer, and not a motion, as their responsive pleading;

18 3. Defendants submit that the short extension of time to file an Answer will not
19 delay this matter. Pursuant to a case management conference held on Friday, December 3, 2010,
20 the parties have just begun class discovery, and the matter is scheduled for a status conference
21 April 8, 2011. No other deadlines have been established.

22 4. Defendants hereby stipulate that this is the final extension that they will request to
23 file a responsive pleading;

24 //

25 //

26 //

27 //

28 //

1 5. Plaintiffs consent to granting Defendants an extension of time to file their Answer
2 through and including December 13, 2010. Subject to the Court's approval, Defendants shall file
3 their Answer by Monday December 13, 2010.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: December 6, 2010

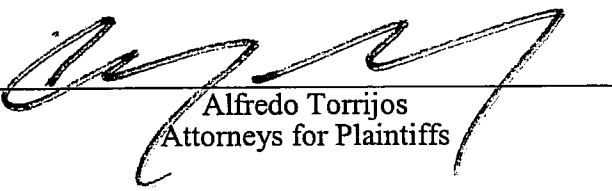
Bingham McCutchen LLP

By: 

Donald S. Davidson
Michael D. Blanchard
Kevin J. Woods
Attorneys for Defendants

DATED: December 6, 2010

Kabateck Brown Kellner LLP

By: 

Alfredo Torrijos
Attorneys for Plaintiffs

IT IS SO ORDERED.

Defendant shall file an Answer to the Complaint on or before December 13, 2010.

DATED: 12/7/10

