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7 *Attorneys for Plaintiffs Theodore Kagan,*
James Aven, Frances Levy, Elaine Soffa,
 8 *Joseph Soffa, Alberkrack Family*
Limited Partnership, Brent Balkema
 9 *and the proposed class*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

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

16 Plaintiff,

17 vs.

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

Case Nos. CV 09 5337 SC and
 CV 11 0412 SC

Hon. Samuel Conti

**STIPULATION TO EXTEND
 DEADLINE TO SUBMIT CLASS
 ACTION SETTLEMENT
 STIPULATION; [PROPOSED]
 ORDER THEREON**

28 **STIPULATION RE PLAINTIFFS' MOTION FOR CLASS CERTIFICATION AND DATE TO
 FILE ANSWER TO THE COMPLAINT; [PROPOSED] ORDER THEREON (3:09-cv-05337-SC)**

1 Defendants.

2
3 BRENT BALKEMA, as Trustee for
4 the Jesse J. Balkema Rev Trust, on
5 behalf of himself and all others
6 similarly situated,

7 Plaintiff,

8 vs.

9 WACHOVIA SECURITIES, LLC, a
10 North Carolina limited liability
11 company, WACHOVIA
12 SECURITIES FINANCIAL
13 NETWORK, LLC, a North Carolina
14 limited liability company, WELLS
15 FARGO ADVISORS LLC; a
16 Delaware limited liability company,
17 WELLS FARGO SECURITIES
18 FINANCIAL NETWORK, LLC, a
19 Delaware limited liability company,

20 Defendants.

1 Through this Stipulation, Plaintiffs Theodore Kagan, James Aven, Frances Levy,
2 Elaine Soffa, Joseph Soffa, Alberkrack Family Limited Partnership, and Brent Balkema
3 (“Plaintiffs”) and Defendants Wells Fargo Advisors, LLC (sued under its own name and
4 also under the name “Wachovia Securities, LLC”), Wells Fargo Advisors Financial
5 Network, LLC (sued under its own name and also under the name “Wachovia Securities
6 Financial Network, LLC”), Wells Fargo Securities (sued under its own name and also
7 under the name “Wachovia Capital Markets, LLC”) and Wells Fargo & Company
8 (“Defendants”), collectively referred to herein as the “Parties,” through their counsel of
9 record, stipulate to extend the deadline for the Parties to submit a class action settlement
10 stipulation and motion for preliminary approval of settlement, which is currently set for
11 November 15, 2011.

12 WHEREAS, the Parties have in good faith been engaging in discussions regarding
13 confirmatory discovery in connection with the settlement;

14 WHEREAS, Defendants encountered unanticipated delays in collecting data
15 requested by Plaintiffs for purposes of confirmatory discovery due to the difficulty of
16 collecting the relevant data;

17 WHEREAS, the data collection required searching for information from thousands
18 of accounts dating back thirteen years, and the results comprised more than 10,000 lines
19 of raw data;

20 WHEREAS, Defendants have now completed their collection of the data requested
21 by Plaintiffs for purposes of confirmatory discovery and produced the data to Plaintiffs;

22 WHEREAS, Plaintiffs are in the process of reviewing the data produced by
23 Defendants and wish to take the deposition(s) of relevant employee(s) of Defendants after
24 completing their review;

25 WHEREAS, the parties require additional time to complete confirmatory discovery
26 and anticipate completing the discovery within the next three (3) weeks;

27 WHEREAS, the Court has previously extended the deadline to submit a class
28

1 action settlement stipulation from September 30, 2011 to November 15, 2011 pursuant to
2 the Parties' stipulation;

3 NOW, THEREFORE, the Parties jointly request and hereby stipulate that the
4 deadline to submit a class action settlement stipulation and motion for preliminary
5 approval under Rule 23(e) of the Federal Rules of Civil Procedure be extended by three
6 (3) weeks. The Parties shall submit a class action settlement stipulation and motion for
7 preliminary approval by December 6, 2011.

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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

2 Pursuant to the stipulation of the Parties and good cause appearing, the deadline for
3 the Parties to submit a stipulation and agreement for class action settlement and motion
4 for preliminary approval shall be December 6, 2011.
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6 DATED: 11/14/11, 2011

