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15 GUSTAVO REYES and MARIA
 16 TERESA GUERRERO, husband and wife,
 17 individually, and on behalf of others similarly situated

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

21 GUSTAVO REYES and MARIA TERESA)
 22 GUERRERO, husband and wife,)
 23 and on behalf of others similarly)
 24 situated,)
 25 Plaintiffs,)
 26 v.)
 27 WELLS FARGO BANK, N.A., a national)
 28 bank; and DOES 1-100, inclusive,)
 Defendants.)

Case No. C 10-01667 (JCS)
CLASS ACTION
STIPULATION AND (~~PROPOSED~~)
ORDER FOR (1) LEAVE TO FILE
SECOND AMENDED COMPLAINT,
(2) EXTENSION OF TIME FOR
WELLS FARGO DISCOVERY
RESPONSES, AND (3) EXTENSION
OF TIME FOR FILING MOTION
FOR CLASS CERTIFICATION

1 **RECITALS**

2 1. This stipulation concerns a potential resolution of a discovery dispute involving
3 Defendant Wells Fargo Bank N.A.'s ("Wells Fargo") responses Special Interrogatories, Set One,
4 ("Interrogatories") and Requests For Production, Set One, ("RFP") that Plaintiffs originally
5 served on October 12, 2010 and corresponding extension of class certification motion briefing
6 deadlines.

7 2. On November 15, 2010, Wells Fargo served responses to discovery that objected
8 to class discovery on the primary grounds of burden and, among others, of the pending motion to
9 dismiss the First Amended Complaint ("FAC") as potentially dispositive. On November 22,
10 2010, the Court granted a stipulated order giving Wells Fargo until December 22, 2010 to file
11 supplemental discovery responses, with a corresponding extension of the deadline for filing the
12 class certification motion. Since the motion to dismiss was still under submission, the Court
13 approved a second such stipulated order, extending the supplemental response deadline to
14 January 21, 2010 and class certification motion deadline another month. After issuance of the
15 order on the motion dismiss, Wells Fargo requested a brief two-week extension to complete its
16 research and analysis to serve the supplemental responses. On January 25, 2011, the Court
17 granted the third such stipulated order, extending the supplemental deadline to February 4, 2011
18 and the class certification motion deadline by another month.

19 3. On February 04, 2011, Wells Fargo served supplemental discovery responses
20 providing verified substantive answers that Plaintiffs considered unacceptable. The parties met
21 and conferred, and scheduled a face-to-face meet and confer as required under the Standing
22 Order. In lieu of Plaintiffs seeking a motion to compel, Wells Fargo agreed to serve a second set
23 of supplemental responses which would require complex electronic data queries. On February
24 14, 2011, the Court granted the fourth stipulated order, setting the second supplemental response
25 deadline as March 7, 2011, again with a corresponding extension of the time to file the motion
26 for class certification. The face-to-face meet and confer session was continued week-to-week
27 pending review of the second supplemental responses.

1 2. Within 30 days from the filing of the stipulation, Wells Fargo will provide an
2 additional set of supplemental responses to the Interrogatories that will provide further verified
3 answers and affirm that Wells Fargo conducted diligent electronic queries of all servicing
4 records of responsive loans, and that the supplemental Interrogatory responses would provide as
5 much information retrievable via electronic search of responsive loans receiving the letter Wells
6 Fargo sent Plaintiffs (coded LM004, LW005) without conducting a manual review of each loan
7 file.

8 3. To facilitate this arrangement, and in lieu of the time spent meeting and
9 conferring, that Plaintiffs' deadline to file their motion for class certification be extended 60
10 days, from July 14, 2011 to September 12, 2011 with Wells Fargo's opposition due October 12,
11 2011.

12 4. This stipulation is without prejudice to the rights, claims, defenses and arguments
13 of all parties.

14 **IT IS SO STIPULATED**

15 DATE: March 23, 2011

LAW OFFICE OF PETER B. FREDMAN

18 By: /s/ Peter Fredman
19 Attorney for Plaintiffs

20 DATE: March 23, 2011

SEVERSON & WERSON
A Professional Corporation

23 By: /s/ Joshua E. Whitehair
24 Attorney for Defendant

25 **ORDER**

26 1. Plaintiffs are hereby granted leave to file the Second Amended Complaint
27 attached hereto as Exhibit A, which shall be subject to the Court's January 3, 2011 Order
28 Granting In Part Motion to Dismiss Plaintiff's First Amended Complaint such that the claims

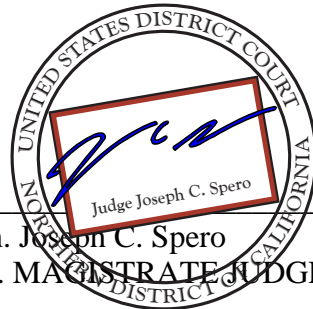
1 dismissed by that Order remained dismissed. Wells Fargo's previously filed Answer to the First
2 Amended Complaint is deemed to be the responsive pleading to the Second Amended Complaint
3 so that no further response to the Second Amended Complaint from Wells Fargo is required.

4 2. Within 30 days from the filing of the stipulation, Defendant Wells Fargo shall
5 provide an additional set of supplemental responses to the Interrogatories that will provide
6 further verified answers and affirm that Wells Fargo conducted electronic queries of all servicing
7 records of responsive loans, and that the supplemental Interrogatory responses will provide as
8 much information retrievable via electronic search of responsive loans receiving the letter Wells
9 Fargo sent Plaintiffs (coded LM004, LW005) without conducting a manual review of each loan
10 file.

11 3. Plaintiffs deadline for filing their motion for class certification is hereby extended
12 60 days, from July 14, 2011 to September 12, 2011. Wells Fargo's opposition will be due
13 October 12, 2011.

14
15 **IT IS SO ORDERED**

16
17 Date: 03/23/11



18
19
20 Hon. Joseph C. Spero
21 U.S. MAGISTRATE JUDGE