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20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **SAN FRANCISCO DIVISION**

23 KEITH AND YING FORSTER, SONYA
 24 FOSTER, GREGORY MCNUTT, WENDY
 25 SCRIBNER, MICHELLE WILKINSON, DANA
 26 MOODY, FLORIN MOLDOVAN, JOHN
 27 JONES and MARTINE SONON-JONES,
 28 RALPH and NANCY IANNUZZI, BRYAN
 29 WEISZ, ALMA QUEZADA, and TODD and
 30 LISA PHILLIPS, Individually and on behalf of
 31 all others similarly situated,

32 Plaintiffs,

33 WELLS FARGO & CO., WELLS FARGO
 34 HOME MORTGAGE, and WELLS FARGO
 35 BANK, N.A. D/B/A AMERICA'S SERVICING
 36 COMPANY,

37 Defendants.

38 Case No. CIV 10-cv-05321 RS

39 **STIPULATION AND [~~PROPOSED~~]**
 40 **ORDER TO (1) EXTEND PLEADING**
 41 **DEADLINES; (2) SET BRIEFING**
 42 **SCHEDULE; AND (3) CONTINUE**
 43 **CASE MANAGEMENT CONFERENCE**
 44 **AS MODIFIED BY THE COURT**

45 **Pursuant to Standing Order Re: Initial Case**
 46 **Management Conference and L.R. 6-2, 16-**
 47 **2(e) and 7-12**

48 STIPULATION AND [~~PROP.~~] ORDER TO EXTEND PLEADING DEADLINES; SET BRIEFING SCHEDULE; AND
 CONTINUE CASE MANAGEMENT CONFERENCE
 Case No. CIV 10-cv-05321 RS

SCHUBERT JONCKHEER & KOLBE LLP
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1 WHEREAS on November 23, 2010, Plaintiffs filed a class action complaint against
2 Defendants Wells Fargo & Co., Wells Fargo Home Mortgage, and Wells Fargo Bank, N.A.
3 (collectively, “Wells Fargo”) d/b/a America’s Servicing Company (“ASC”).

4 WHEREAS on February 1, 2011, the Court issued an order reassigning the case to the
5 Honorable Richard Seeborg and set the date for the Case Management Conference for April 14,
6 2011.

7 WHEREAS on February 7, 2011, Defendants filed a motion to dismiss the complaint
8 pursuant to Federal Rule of Civil Procedure 12(b)(6).

9 WHEREAS on February 22, 2011, the Court issued a stipulated order extending the deadline
10 for Plaintiffs to file a First Amended Complaint to March 30, 2011, and extending the deadline for
11 Defendants to respond to Plaintiffs’ First Amended Complaint to April 29, 2011.

12 WHEREAS the parties subsequently conferred and agreed that these deadlines should be
13 further amended. The accompanying declaration of Willem F. Jonckheer sets forth the reason for
14 the amendment and the effect of the extension on the case schedule.

15 WHEREAS, the parties additionally believe it would be premature for the Court to conduct
16 the Case Management Conference on April 14, 2011, prior to the current (and proposed amended)
17 deadline for Defendants to respond to Plaintiffs’ First Amended Complaint.

18 WHEREAS, the parties believe the Case Management Conference should be held after the
19 Court has resolved Defendants’ anticipated motion to dismiss Plaintiff’s First Amended Complaint
20 so that the parties can address case management issues with the Court based on the scope of
21 Plaintiffs’ remaining claims.

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties
2 hereto, by their undersigned attorneys, and subject to the Court's approval:

- 3 1. The deadlines set forth in the Court's February 22, 2011 Order shall be amended as
4 follows:
- 5 a. Plaintiffs shall file the First Amended Complaint on or before April 6, 2011;
 - 6 b. Defendants shall respond to the First Amended Complaint within forty-five (45)
7 days;
 - 8 c. Plaintiffs shall have forty-five (45) days to oppose Defendants' anticipated
9 motion to dismiss; and
 - 10 d. Defendants shall have thirty (30) days to reply.
- 11 2. The Case Management Conference currently scheduled for April 14, 2011 shall be
12 continued until such time as the Court has resolved Defendants' anticipated motion to
13 dismiss.

15 Dated: March 28, 2011

SCHUBERT JONCKHEER & KOLBE LLP

16 /s/ Willem Jonckheer
17 By: Willem F. Jonckheer

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24 *Counsel for Plaintiffs*

1 Dated: March 28, 2011

SEVERSON & WERSON

2 _____
3 /s/ Jon D. Ives

4 By: Jon D. Ives

5 One Embarcadero Center, Suite 2600
6 San Francisco, California 94111
7 Telephone: (415) 398-3344
8 Fax: (415) 956-0439

9 *Counsel for Defendants*

10 **ATTESTATION OF FILER**

11 I, Jason A. Pikler, hereby attest that concurrence in the filing of the document has been
12 obtained from each of the other signatories.

13 Dated: March 28, 2011

SCHUBERT JONCKHEER & KOLBE LLP

14 By: _____
15 /s/ Jason A. Pikler

16 Jason A. Pikler

17 *Counsel for Plaintiffs*

1 ~~[PROPOSED]~~ ORDER

2 Pursuant to stipulation, and good cause appearing, IT IS SO ORDERED:

3 1. Plaintiffs shall file the First Amended Complaint on or before April 6, 2011.

4 2. Defendants shall respond to First Amended Complaint within forty-five (45) days
5 thereafter.

6 3. If Defendants move to dismiss: (a) Plaintiffs shall have forty-five (45) days to oppose
7 Defendants' motion to dismiss; and (b) Defendants shall have thirty (30) days to reply.

8 4. The Case Management Conference currently scheduled for April 14, 2011 is
9 continued ~~until such time as the Court has resolved Defendants' anticipated motion to dismiss.~~
10 to October 20, 2011 at 10:00 a.m.

11 Ordered this 28th day of March, 2011

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15 The Honorable Richard Seeborg
16 United States District Court Judge
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