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*Counsel for Defendant Wells Fargo Bank, N.A.  
(sued also as Wells Fargo Home Mortgage  
d/b/a America's Servicing Company)*

16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**  
18 **SAN FRANCISCO DIVISION**

20 KEITH AND YING FORSTER, and  
21 MICHELLE WILKINSON, Individually and on  
behalf of all others similarly situated,

22 Plaintiffs,

24 WELLS FARGO BANK, N.A., WELLS  
25 FARGO HOME MORTGAGE d/b/a  
AMERICA'S SERVICING COMPANY,

26 Defendants.

Case No. CIV 10-cv-05321 RS

**STIPULATION AND [PROPOSED]  
ORDER TO STAY CASE PENDING  
MEDIATION**

28 STIP. AND [PROP.] ORDER TO STAY CASE PENDING MEDIATION  
Case No. CIV 10-cv-05321 RS

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, the Court issued an order reassigning the case to the Honorable Richard  
5 Seeborg on February 1, 2011;

6 WHEREAS, Wells Fargo filed a motion to dismiss the complaint on February 7,  
7 2011 (Docket No. 7);

8 WHEREAS, on February 22, 2011, the Court issued a stipulated order extending the  
9 deadline for Plaintiffs to file a First Amended Complaint to March 30, 2011, and extending the  
10 deadline for Defendants to respond to Plaintiffs’ First Amended Complaint to April 29, 2011  
11 (Docket No. 17);

12 WHEREAS, on March 28, 2011, the Court issued a stipulated order extending the  
13 deadline for Plaintiffs to file a First Amended Complaint to April 6, 2011, setting a briefing  
14 schedule for Wells Fargo’s anticipated motion to dismiss, and continuing the Case Management  
15 Conference to October 20, 2011 (Docket No. 21);

16 WHEREAS, on August 9, 2011, the Court issued a stipulated order extending Wells  
17 Fargo’s time to file its reply memorandum in support of its motion to dismiss to September 1, 2011,  
18 and continuing the hearing on the motion from August 25, 2011, to October 6, 2011 (Docket No.  
19 29);

20 WHEREAS, the Court heard oral argument on Wells Fargo’s motion to dismiss  
21 Plaintiffs’ First Amended Complaint on October 6, 2011, and took the matter under submission;

22 WHEREAS, on October 12, 2011, the Court issued a clerk’s notice continuing the  
23 Case Management Conference from October 20, 2011, to December 22, 2011 (Docket No. 36);

24 WHEREAS, on October 18, 2011, the Court issued an order granting in part and  
25 denying in part Wells Fargo’s motion to dismiss Plaintiffs’ First Amended Complaint (Docket No.  
26 37);

27 WHEREAS, the parties submitted a Joint Case Management Conference Statement  
28 on December 15, 2011 (Docket No. 41);

1                   WHEREAS, the Court held the Initial Case Management Conference on December  
2 22, 2011, and issued a minute order providing that the anticipated motion for class certification shall  
3 be heard by December 6, 2012;

4                   WHEREAS, while the Court has not issued a formal Scheduling Order, the parties  
5 have acted in accordance with the deadlines set forth in their proposed scheduling order submitted  
6 with their Joint Case Management Conference Statement;

7                   WHEREAS, in early March 2012, the parties began discussions regarding the use of  
8 mediation to resolve the action;

9                   WHEREAS, the parties have now scheduled a formal mediation with Edward A.  
10 Infante of JAMS on August 29, 2012.

11                   NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and  
12 between the parties, through their counsel of record, subject to the Court's approval, that (a) the  
13 entire action is stayed; and (b) the parties will submit a report on the status of the mediation and the  
14 continued propriety of the stay by September 28, 2012, that will include a proposed Scheduling  
15 Order to set forth revised case deadlines, if needed.

16  
17 Dated: June 26, 2012

SCHUBERT JONCKHEER & KOLBE LLP

18                                     /s/ Willem Jonckheer                    
19 By: Willem F. Jonckheer

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Dated: June 26, 2012

SEVERSON & WERSON

/s/ Kalama M. Lui-Kwan  
By: Kalama M. Lui-Kwan

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*Counsel for Defendants*

**ATTESTATION OF FILER**

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

Dated: June 26, 2012

SCHUBERT JONCKHEER & KOLBE LLP

By: /s/ Jason A. Pikler  
Jason A. Pikler

Counsel for Plaintiffs

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~~PROPOSED~~ ORDER

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

1. The entire action shall be stayed; and
2. The parties shall submit a report on the status of the mediation and the continued propriety of the stay by September 28, 2012, that will include a proposed Scheduling Order to set forth revised case deadlines, if needed.

Ordered this 27th day of June, 2012



\_\_\_\_\_  
The Honorable Richard Seeborg  
United States District Court Judge