

SCHUBERT JONCKHEER & KOLBE LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
(415) 788-4220

1 ROBERT C. SCHUBERT (S.B.N. 62684)
rschubert@schubertlawfirm.com
2 WILLEM F. JONCKHEER (S.B.N. 178748)
wjonckheer@schubertlawfirm.com
3 MIRANDA P. KOLBE (S.B.N. 214392)
mkolbe@schubertlawfirm.com
4 JASON A. PIKLER (S.B.N. 245722)
jpikler@schubertlawfirm.com
5 SCHUBERT JONCKHEER & KOLBE LLP
Three Embarcadero Center, Suite 1650
6 San Francisco, California 94111
Telephone: (415) 788-4220
7 Facsimile: (415) 788-0161

8 JEFFREY M. NORTON (*Pro Hac Vice*)
jnorton@nflp.com
9 NEWMAN FERRARA LLP
1250 Broadway, 27th Fl.
10 New York, NY 10001
11 Telephone: (212) 619-5400
12 Facsimile: (212) 619-3090

13 *Counsel for Plaintiffs*

MARK D. LONERGAN (S.B.N. 143622)
mdl@severson.com
MICHAEL J. STEINER (S.B.N. 112079)
mjs@severson.com
KALAMA M. LUI-KWAN (S.B.N. 242121)
kml@severson.com
JON D. IVES (S.B.N. 230582)
jdi@severson.com
SEVERSON & WERSON
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

*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

**PARTIES' JOINT STATUS REPORT ON
MEDIATION; STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
STAY**

28 PARTIES' JOINT STATUS REPORT ON MEDIATION; STIP. AND [PROP.] ORDER TO CONTINUE STAY
Case No. CIV 10-cv-05321 RS

1 Pursuant to the Court's June 27, 2012 Order to Stay the Case Pending Mediation
2 (Dkt. No. 44), Plaintiffs and Defendant Wells Fargo Bank, N.A. ("Wells Fargo"), through their
3 respective counsel, submit the following status report on (1) the parties' efforts to resolve the case
4 through private mediation and (2) the continued propriety of the stay:

5 On August 29, 2012, the Parties attended a mediation at JAMS with the Honorable
6 Edward A. Infante. Although the parties did not reach a settlement on that date, they agreed to
7 continue working through Judge Infante on developing a possible framework for settlement. The
8 Parties had follow up conference calls with Judge Infante on September 24 towards that end. The
9 Parties have also agreed to exchange certain additional documents and materials for settlement
10 purposes. After the Parties have exchanged and analyzed this additional information, they will
11 engage in another mediation with Judge Infante.

12 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
13 between the parties, through their counsel of record, subject to the Court's approval, that (a) the
14 entire action shall remain stayed; and (b) the parties will submit an additional report on the status of
15 the mediation and the continued propriety of the stay by November 27, 2012 [60 days], that will
16 include a proposed Scheduling Order to set forth revised case deadlines, if needed.

17
18 Dated: September 28, 2012

Respectfully submitted,

SCHUBERT JONCKHEER & KOLBE LLP

/s/ Willem Jonckheer

By: Willem F. Jonckheer

ROBERT C. SCHUBERT
WILLEM F. JONCKHEER
MIRANDA P. KOLBE
JASON A. PIKLER

Three Embarcadero Center, Suite 1650
San Francisco, California 94111
Telephone: (415) 788-4220
Facsimile: (415) 788-0161

1
2
3
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

JEFFREY M. NORTON
NEWMAN FERRARA LLP
1250 Broadway, 27th Fl.
New York, NY 10001
Telephone: (212) 619-5400
Facsimile: (212) 619-3090

Counsel for Plaintiffs

Dated: September 28, 2012

SEVERSON & WERSON

/s/ Mark D. Lonergan

By: Mark D. Lonergan

MARK D. LONERGAN
MICHAEL J. STEINER
KALAMA M. LUI-KWAN
JON D. IVES
One Embarcadero Center, Suite 2600
San Francisco, California 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

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: September 28, 2012

SCHUBERT JONCKHEER & KOLBE LLP

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

Counsel for Plaintiffs

~~PROPOSED~~ ORDER

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

1. The entire action shall remain stayed; and
2. The parties shall submit a report on the status of the mediation and the continued propriety of the stay by November 27, 2012 [60 days], that will include a proposed Scheduling Order to set forth revised case deadlines, if needed.

Ordered this 28TH day of September, 2012



The Honorable Richard Seeborg
United States District Court Judge

SCHUBERT JONCKHEER & KOLBE LLP
Three Embarcadero Center, Suite 1650
San Francisco, CA 94111
(415) 788-4220

1
2
3
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