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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

**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 September 28, 2012 Order to Continue Stay (Dkt. No. 46),
2 Plaintiffs and Defendant Wells Fargo Bank, N.A. (“Wells Fargo”), through their respective counsel,
3 submit the following status report on (1) the parties’ efforts to resolve the case through private
4 mediation and (2) the continued propriety of the stay:

5 In the parties’ prior joint status report, filed on September 28, 2012 (Dkt. No. 45), the
6 parties informed the Court that they intended to continue working with the Honorable Edward A.
7 Infante on reaching a settlement, based on the parties’ agreement on a possible framework for
8 settlement. To that end, the parties agreed to exchange certain additional documents and materials
9 for settlement purposes and to engage in another mediation with Judge Infante after these materials
10 had been analyzed. The parties proposed to provide a status update to the Court by November 27,
11 2012, as to the progress of the mediation and the continued propriety of the stay.

12 On October 2, 2012, Plaintiffs provided Wells Fargo with requests for documents and
13 information relevant to the proposed settlement framework. The parties, through their respective
14 counsel, discussed these requests in a conference call on November 7, 2012, and Wells Fargo
15 produced more than 1,500 pages of documents on November 15, 2012. Plaintiffs intend to review
16 and analyze these documents as quickly as possible and determine whether any additional materials
17 or information are needed prior to engaging in further mediation. The parties agree that a negotiated
18 settlement continues to be a viable goal and seek to afford the parties additional time to engage in
19 the settlement process.

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
21 between the parties, through their counsel of record, subject to the Court’s approval, that (a) the
22 entire action shall remain stayed; and (b) the parties will submit a further report on the status of the
23 mediation and the continued propriety of the stay by February 25, 2013 [*i.e.*, within 90 days], that
24 will include a proposed Scheduling Order to set forth revised case deadlines, if needed.

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Dated: November 20, 2012

Respectfully submitted,

SCHUBERT JONCKHEER & KOLBE LLP

/s/ Willem Jonckheer

By: Willem F. Jonckheer

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Counsel for Plaintiffs

Dated: November 20, 2012

SEVERSON & WERSON

/s/ Kalama M. Lui-Kwan

By: Kalama M. Lui-Kwan

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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: November 20, 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 further report on the status of the mediation and the continued propriety of the stay by February 25, 2013 [*i.e.*, within 90 days], that will include a proposed Scheduling Order to set forth revised case deadlines, if needed.

Ordered this 21st day of November, 2012



The Honorable Richard Seeborg
United States District Court Judge

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