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5 Attorneys for Plaintiffs ALLY BANK, WESLEY W.
 HALIHAN and GINA HALIHAN
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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 ALLY BANK, WESLEY W. HALIHAN
 and GINA HALIHAN,
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 Plaintiffs,
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 vs.
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 WELLS FARGO BANK, N.A., and
 15 DOES 1 through 10,
 16
 Defendants.

No. C-11-00896 SC

**STIPULATION AND [PROPOSED]
 ORDER FOR LEAVE TO FILE FIRST
 AMENDED COMPLAINT**

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 19 **STIPULATION**

20 On August 4, 2011 the parties entered into a stipulation allowing Plaintiffs ALLY BANK,
 21 WESLEY W. HALIHAN, and GINA HALIHAN (“Plaintiffs”) leave to file a first amended
 22 complaint to add new plaintiffs and defendants and additional causes of action against the newly
 23 named defendants. The new allegations assert that the new defendants engaged in a common
 24 scheme to defraud dozens of sellers and buyers of real property and some of their agents and
 25 lenders out of over \$1.7 million through phantom sales, sham loans and the execution of
 26 fraudulent reconveyances of deeds of trust. On August 8, 2011, the Court approved the
 27 stipulation and granted Plaintiffs leave to file a first amended complaint.

28 Since entering into the first stipulation, Plaintiffs discovered additional defendants and

1 facts supporting their claims that they wanted to add to the first amended complaint. Rather than
2 file the first amended complaint and then seek leave to file a second amended complaint, the
3 parties agreed that it would be more efficient for Plaintiffs simply to revise the first amended
4 complaint and seek leave to file that pleading.

5 Based on the foregoing, IT IS HEREBY STIPULATED, by and between the parties
6 hereto, and the parties respectfully request that Plaintiffs be granted leave to file a "new" first
7 amended complaint, a copy of which is attached as Exhibit "A."

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9 Dated: August 19, 2011

**SHAPIRO BUCHMAN PROVINE BROTHERS
SMITH LLP**

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12 /s/ Stephen C. Seto
STEPHEN C. SETO
13 Attorneys for Plaintiffs ALLY BANK, WESLEY W.
HALIHAN and GINA HALIHAN

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15 Dated: August 19, 2011

**ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP**

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17 /s/ Matthew J. Pero
MATTHEW J. PERO
18 Attorneys for Defendant, Wells Fargo Bank, N.A.

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20 **ORDER**

21 PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED that
22 Plaintiffs ALLY BANK, WESLEY W. HALIHAN, and GINA HALIHAN ("Plaintiffs") are
23 hereby granted leave to file the within proposed first amended complaint.

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25 Dated: August 30, 2011

26 SAMUEL CONTI
Judge of the District Court

