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11 Co-Lead Counsel for Plaintiffs

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 PIRELLI ARMSTRONG TIRE)
 15 CORPORATION RETIREE MEDICAL)
 BENEFITS TRUST, Derivatively on Behalf of)
 16 WELLS & FARGO COMPANY,)

17 Plaintiff,

18 vs.

19 JOHN G. STUMPF, et al.,

20 Defendants,

21 - and -

22 WELLS FARGO & COMPANY, a Delaware)
 corporation,)
 23)

24 Nominal Defendant.)

No. 3:11-cv-02369-SI

(Consolidated)

STIPULATION AND [~~PROPOSED~~] ORDER
 ADJUSTING BRIEFING SCHEDULE ON
 INDIVIDUAL DEFENDANTS' MOTION
 TO DISMISS THE CONSOLIDATED
 COMPLAINT AND MAINTAINING THE
 HEARING DATE CURRENTLY SET FOR
 JANUARY 27, 2012

1 WHEREAS, the parties to the above-captioned action hereby submit this Stipulation and
2 [Proposed] Order Adjusting Briefing Schedule on Individual Defendants’ Motion to Dismiss the
3 Consolidated Complaint and Maintaining the Hearing Date Currently Set for January 27, 2012;

4 WHEREAS, on September 12, 2011, lead plaintiffs Pirelli Armstrong Tire Corporation
5 Retiree Medical Benefits Trust and City of Westland Police and Fire Retirement System filed their
6 Verified Consolidated Shareholder Derivative Complaint for Breach of Fiduciary Duty, Abuse of
7 Control, Gross Mismanagement and Corporate Waste (“Consolidated Complaint”) (Dkt. No. 59);

8 WHEREAS, on October 5, 2011, defendants John G. Stumpf, Howard I. Atkins, John D.
9 Baker II, John S. Chen, Lloyd H. Dean, Susan E. Engel, Enrique Hernandez, Jr., Donald M. James,
10 Richard D. McCormick, Mackey J. McDonald, Cynthia H. Milligan, Nicholas G. Moore, Philip J.
11 Quigley, Judith M. Runstad, Stephen W. Sanger and Susan G. Swenson (“Individual Defendants”),
12 filed their motion to dismiss the Consolidated Complaint;

13 WHEREAS, on September 28, 2011, the Court granted a stipulation and proposed order
14 regarding the schedule for motions to dismiss, setting the hearing on the motion to dismiss and case
15 management conference for December 9, 2011;

16 WHEREAS, on October 4, 2011, the parties submitted a stipulation and proposed order
17 informing the Court of scheduling conflicts on December 9, 2011 and requesting that the Court
18 continue the hearing on the motion to dismiss and case management conference from December 9,
19 2011 to January 27, 2012;

20 WHEREAS, on October 4, 2011, the Court entered the Stipulation and Order Continuing
21 Hearing for Individual Defendants’ Motion to Dismiss and Case Management Conference, setting
22 the hearing on the motion for January 27, 2012 (Dkt. No. 64); and

23 WHEREAS, the parties have met and conferred and agreed, in light of the continued hearing
24 date to January 27, 2012, to adjust the briefing schedule on the motion to dismiss while maintaining
25 the hearing date of January 27, 2012.

26 NOW THEREFORE, the undersigned parties by and through their counsel of record hereby
27 stipulate and agree as follows subject to the approval of the Court:

28

1 DATED: October 21, 2011

HOWARD RICE NEMEROVSKI CANADY
FALK & RABKIN
A Professional Corporation
GILBERT R. SEROTA
SARAH A. GOOD
MARC PRICE WOLF

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s/ Sarah A. Good (w/permission)
SARAH A. GOOD

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John G. Stumpf, Howard I. Atkins, John D. Baker II, John S. Chen, Lloyd H. Dean, Susan E. Engel, Enrique Hernandez, Jr., Donald M. James, Richard D. McCormick, Mackey J. McDonald, Cynthia H. Milligan, Nicholas G. Moore, Philip J. Quigley, Judith M. Runstad, Steven W. Sanger and Susan G. Swenson

I, Shawn Williams, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Order Adjusting Briefing Schedule on the Individual Defendants' Motion to Dismiss the Consolidated Complaint. In compliance with General Order 45, X.B., I hereby attest that Sarah A. Good has concurred in this filing.

s/ Shawn A. Williams
SHAWN A. WILLIAMS

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 10/24/11 _____



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2 I hereby certify that on October 21, 2011, I authorized the electronic filing of the foregoing
3 with the Clerk of the Court using the CM/ECF system which will send notification of such filing to
4 the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I
5 caused to be mailed the foregoing document or paper via the United States Postal Service to the non-
6 CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on October 21, 2011.

9 s/ Shawn A. Williams
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Mailing Information for a Case 3:11-cv-02369-SI

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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