

1 MARK J. KENNEY (State Bar No. 87345)  
 mjk@severson.com  
 2 JASON M. RICHARDSON (State Bar No. 250916)  
 jmr@severson.com  
 3 SEVERSON & WERSON  
 A Professional Corporation  
 4 One Embarcadero Center, Suite 2600  
 San Francisco, California 94111  
 5 Telephone: (415) 398-3344  
 Facsimile: (415) 956-0439

6 Attorneys for Defendant Wells Fargo Bank, N.A.

7  
 8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION

10  
 11 RICHARD A. FRUSTERE,

12 Plaintiff,

13 vs.

14 WELLS FARGO BANK, N.A., BRENDAN  
 MURPHY, individually and as trustee of the  
 15 MURPHY FAMILY TRUST, and DOES 1  
 TO 100,

16 Defendants.  
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Case No. 11-CV-06395-MMC

**STIPULATION AND PROPOSED ORDER  
 EXTENDING MEDIATION DEADLINE**

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 19 IT IS HEREBY STIPULATED by and between Plaintiff Richard Frustere ("Plaintiff")  
 20 and Defendant Wells Fargo Bank, N.A. ("Wells Fargo") by and through their respective counsel,  
 21 that:

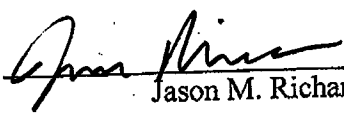
- 22 1. On May 25, 2012 this Court entered an order referring this matter to mediation.  
 23 (Dkt. # 32.)  
 24 2. Pursuant to ADR Local Rules, mediation had been required to be completed within 90  
 25 days of the Court's May 25, 2012 order. (N. D. ADR L. Rule. 6-4(b).) Accordingly,  
 26 pursuant to the Court's order and the ADR Local Rules, mediation had been required  
 27 to be completed prior to August 23, 2012.  
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3. On July 13, 2012 this Court entered an order granting in part and denying in part Wells Fargo's motion to dismiss plaintiff's second amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. # 37.)
4. Pursuant to the Court's July 13, 2012 order, Plaintiff has been granted until August 17, 2012 to file any Third Amended Complaint he may choose to file. (*Id.*)
5. Since the matter is still at the pleading stage, since it is unclear what the content of any operative third amended pleading will be as of August 23, 2012, and since it is unclear whether Plaintiff's allegations pursuant to that pleading will be sufficient to meet the amount in controversy requirement as of that date as required for this Court to retain jurisdiction, the parties request that this Court allow for an additional 90 days to complete mediation.
6. Once this case is at issue, and the content of the allegations against Wells Fargo has been established, the parties will complete mediation by November 21, 2012.
7. The assigned mediator, Linda DeBene, has recommended that this extension be granted in order that the parties can determine what allegations are in fact at issue and before the Court.

IT IS SO STIPULATED.

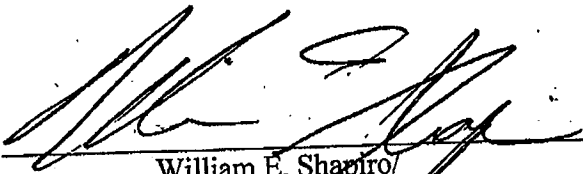
DATED: July 23, 2012

By:   
Jason M. Richardson

Attorney for Defendant Wells Fargo Bank, N.A.

1 DATED: July 25, 2012

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By:   
William E. Shapiro/  
Mary Catherine Wiederhold

Attorney for Plaintiff Richard A. Frustere

IT IS SO ORDERED

Dated: July 24, 2012

Hon. Maxine M. Chesney

