

1 Matthew G. Ball (SBN No. 208881)
 2 matthew.ball@klgates.com
 Megan F. Cesare-Eastman (SBN No. 253845)
 3 megan.cesare-eastman@klgates.com
K&L GATES LLP
 4 Four Embarcadero Center, Suite 1200
 5 San Francisco, CA 94111
 Tel.: (415) 882-8200
 6 Fax: (415) 882-8220

7 Irene C. Freidel (*pro hac vice*)
 8 irene.freidel@klgates.com
 Jennifer J. Nagle (*pro hac vice*)
 9 jennifer.nagle@klgates.com
K&L GATES LLP
 10 State Street Financial Center
 11 One Lincoln Street
 Boston, MA 02111
 12 Tel: (617) 261-3100
 13 Fax: (617) 261-3175

14 *Attorneys for Defendant Wells Fargo Bank, N.A.*

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17
 18 VICKI AND RICHARD SUTCLIFFE, on
 behalf of themselves and all others similarly
 19 situated,

20 Plaintiffs,

21 v.

22 WELLS FARGO BANK, N.A., a national
 23 bank, for itself and d/b/a WELLS FARGO
 HOME MORTGAGE, a division of Wells
 24 Fargo Bank, N.A.; and DOES 1-100,
 inclusive.

25 Defendants.

Case No. C 11-06595 JCS

26 **NOTICE OF STIPULATION**
BETWEEN DEFENDANT WELLS
FARGO BANK, N.A. AND
PLAINTIFFS VICKI AND RICHARD
SUTCLIFFE AS TO HEARING DATE
AND BRIEFING SCHEDULE ON
DEFENDANT’S MOTION TO
DISMISS

Judge: Magistrate Judge Joseph C. Spero
 Complaint Date: December 21, 2011
 Trial Date: None Set

1 TO THE HONORABLE JOSEPH C. SPERO, UNITED STATES MAGISTRATE
2 JUDGE, PLAINTIFFS VICKI AND RICHARD SUTCLIFFE, THEIR COUNSEL OF
3 RECORD, AND ALL OTHER INTERESTED PARTIES:

4 PLEASE TAKE NOTICE that pursuant to Civ. L.R. 6-1(b), 6-2, and 7-12, plaintiffs,
5 Vicki and Richard Sutcliffe (“plaintiffs”), and defendant Wells Fargo Bank, N.A. (“Wells
6 Fargo”) (collectively, the “Parties”), by and through their respective counsel, stipulate and agree
7 as follows:

8 WHEREAS, plaintiffs filed a Class Action Complaint on December 21, 2011; and

9 WHEREAS, pursuant to Civ. L.R. 6-1(a), the Parties agreed by Stipulation dated January
10 17, 2012, to extend Wells Fargo’s deadline for responding to the Class Action Complaint to and
11 including February 17, 2012; and

12 WHEREAS, the Court “so-ordered” the Parties’ Stipulation on January 19, 2012; and

13 WHEREAS, Wells Fargo will file a motion to dismiss the Class Action Complaint on
14 February 17, 2012; and

15 WHEREAS, counsel for the Parties have conferred and agree that, for the convenience of
16 all Parties and to avoid duplicate cost of travel for all Parties, Wells Fargo will set the motion for
17 hearing on April 6, 2012, to coincide with the scheduled Case Management Conference; and

18 WHEREAS, the Parties further agree to a briefing schedule according to which plaintiffs’
19 opposition to Wells Fargo’s motion will be due on March 9, 2012, and Wells Fargo’s reply in
20 support of its motion will be due on March 23, 2012, and the motion will thus be fully briefed
21 fourteen days in advance of the hearing; and

22 WHEREAS, the Parties agree that neither party will be prejudiced by the agreed upon
23 dates set forth herein; and

24 WHEREAS, nothing agreed upon herein affects the date of any event or deadline already
25 fixed by the Court in this matter.

1 IT IS HEREBY STIPULATED AND AGREED by the Parties that defendant Wells
& case mgmt conference 27 - JCS
2 Fargo Bank, N.A.'s motion to dismiss will be set for hearing on Friday, April 6, 2012, plaintiffs'
3 opposition to Wells Fargo's motion will be due on Friday, March 9, 2012, and Wells Fargo's
4 reply in support of its motion will be due on Friday, March 23, 2012.

5 Dated: February 15, 2012

6 Respectfully submitted,

7
8
9 VICKI AND RICHARD SUTCLIFFE,

10 By their attorneys,

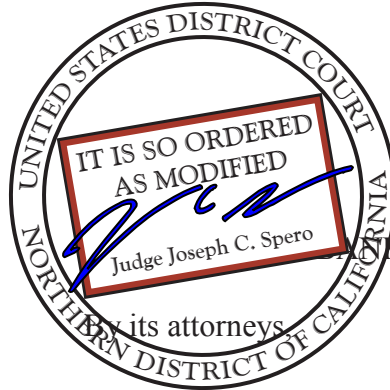
11
12 /s/ Derek Y. Brandt (w/permission)

13 **SIMMONS BROWDER GIANARIS**
14 **ANGELIDES & BARNERD LLC**

15 Deborah Rosenthal (SBN 184241)
16 drosenthal@simmonsfirm.com
17 455 Market Street, Suite 1150
18 San Francisco, California 94105
19 Phone: (415) 536-3986
20 Fax: (415) 537 - 4120

21 **HANLY CONROY BIERSTEIN**
22 **SHERIDAN FISHER & HAYES LLP**

23 Paul J. Hanly, Jr.*
phanly@hanlyconroy.com
24 Jayne Conroy*
jconroy@hanlyconroy.com
25 Mitchell M. Breit*
mbreit@hanlyconroy.com
26 Andrea Bierstein*
abierstein@hanlyconroy.com
112 Madison Avenue - 7th Floor
27 New York, NY 10016-7416
Tel: (212) 784-6401
Fax: (212) 784-6420



11
12 /s/ Irene C. Freidel

13 **K&L GATES LLP**

14
15 Matthew G. Ball
16 matthew.ball@klgates.com
17 Megan F. Cesare-Eastman
18 megan.cesare-eastman@klgates.com

19
20 Irene C. Freidel (*pro hac vice*)
irene.freidel@klgates.com
21 Jennifer J. Nagle (*pro hac vice*)
jennifer.nagle@klgates.com

22
23
24
25
26
27
28

1 **GIBBON, BARRON, & BARRON PLLC**

2 Bradford D. Barron (*pro hac vice*)
3 bbarron@gbbfirm.com
4 Zachary T. Barron (*pro hac vice*)
5 zbarron@gbbfirm.com
6 20 East 5th Street, Suite 1000
7 Tulsa, OK 74103
8 Tel: (918) 745-0687
9 Fax: (918) 745-0821

7 **SIMMONS BROWDER GIANARIS
ANGELIDES & BARNERD LLC**

8 Derek Yeats Brandt (*pro hac vice*)
9 dbrandt@simmonsfirm.com
10 Emily J. Kirk (*pro hac vice*)
11 ekirk@simmonsfirm.com
12 Anna M. Kohut (*pro hac vice*)
13 akohut@simmonsfirm.com
14 One Court Street
15 Alton, IL 62002
16 Tel: 618-259-6357
17 Fax: 618-259-2251

14 **MCCALLUM METHVIN & TERRELL,
PC**

15 James Michael Terrell (*pro hac vice*)
16 jterrell@mmlaw.net
17 2201 Arlington Avenue South
18 Birmingham, AL 35205
19 Tel: 205-939-0199
20 Fax: 205-939-0399

19 **pro hac vice to be filed*

21
22
23 I, IRENE C. FREIDEL, am the ECF User whose ID and password are being used to file
24 this document, and in compliance with General Order No. 45, X.B., hereby attest that all
25 signatories concur with this filing.

26 */s/ Irene C. Freidel*