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AMERICAN SECURITY INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STANLEY D. CANNON, PATRICIA R.  
CANNON, and CHERYL BULLOCK,  
individually and for other persons similarly  
situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.; WELLS  
FARGO INSURANCE, INC.; and  
AMERICAN SECURITY INSURANCE  
COMPANY,

Defendants.

Case No. 3:12-cv-01376-EMC

**STIPULATION AND PROPOSED ORDER  
CONTINUING JULY 2, 2015 CASE  
MANAGEMENT CONFERENCE AND  
STAYING CASE PENDING  
RESOLUTION OF *FLADELL* APPEALS;  
DECLARATION OF PETER S. HECKER  
IN SUPPORT OF SAME**

1 **STIPULATION TO CONTINUE JULY 2, 2015 CASE MANAGEMENT CONFERENCE**  
2 **AND TO STAY CASE PENDING RESOLUTION OF FLADELL APPEALS**

3 Pursuant to Civil L.R. 7-12, 6-1(b) and 6-2, it is hereby stipulated by and between the  
4 parties, through their respective attorneys, that:

5 WHEREAS, on February 12, 2014, the Court ordered the above-captioned case stayed until  
6 final approval of the settlement in *Fladell v. Wells Fargo Bank, N.A.*, 13-cv-60721 (S.D. Fla.)  
7 (“*Fladell*”) (ECF No. 181);

8 WHEREAS, the court in *Fladell* entered an Order Granting Final Approval of the settlement  
9 on October 29, 2014 (*Fladell* ECF No. 259), and entered Final Judgment on the same day (*Fladell*  
10 ECF No. 260);

11 WHEREAS, multiple notices of appeal were filed regarding the Final Judgment and/or  
12 Order Granting Final Approval (*Fladell* ECF Nos. 262, 263, 265, 267, 272, 277);

13 WHEREAS, multiple appellants have voluntarily dismissed their appeals (*Fladell* ECF Nos.  
14 291, 308, 358);

15 WHEREAS, the last two remaining appellants have filed unopposed motions to dismiss  
16 their appeals in *Fladell*, and those motions are awaiting the Court’s disposition;

17 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT, subject to  
18 the Court’s approval, the July 2, 2015 case management conference shall be continued, and this  
19 case stayed, until all appeals from the judgment approving the *Fladell* settlement have resolved.

20 IT IS FURTHER STIPULATED AND AGREED THAT:

21 • The parties shall jointly notify the Court: (1) when all appeals have been resolved,  
22 and shall at that time provide the Court with a joint request for dismissal with prejudice; or (2) if the  
23 judgment is reversed or otherwise invalidated.

1           • If by December 3, 2015 the appeals have not been resolved or if the judgment is not  
2 reversed or otherwise invalidated, the parties shall file a written status report with the Court on or  
3 before December 10, 2015;

- 4           • There shall be no further CMCs in this action unless ordered by the Court.

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7           **Filer's Attestation:** Pursuant to L.R. 5-1(i)(3), Peter S. Hecker hereby attests that  
8 concurrence by all signatories in the filing of this document has been obtained.  
9

10 Dated: June 25, 2015

**/s/ Peter S. Hecker**

Peter S. Hecker  
SHEPPARD MULLIN RICHTER & HAMPTON LLP  
Attorneys for Assurant Inc. and American Security  
Insurance Co.

13 Dated: June 25, 2015

**/s/ Barry Himmelstein**

Barry Himmelstein  
HIMMELSTEIN LAW NETWORK  
Attorneys for Plaintiffs Stanley D. Cannon, Patricia R.  
Cannon and Cheryl Bullock

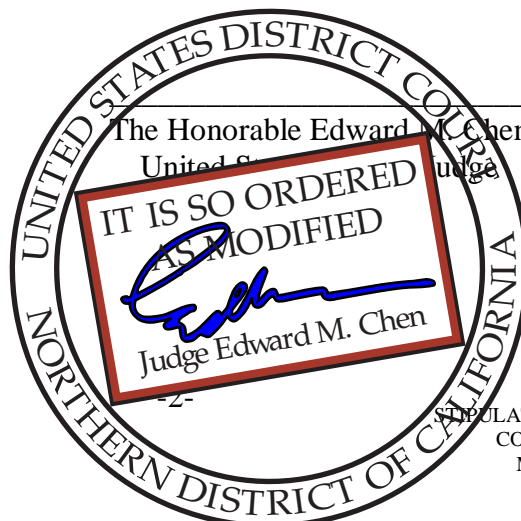
17 Dated: June 25, 2015

**/s/ Jonah Van Zandt**

Jonah Van Zandt  
SEVERSON & WERSON  
Attorneys for Wells Fargo Bank, N.A. and Wells  
Fargo Insurance, Inc.

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The CMC is reset for 9/24/15  
22 at 10:30 a.m. An updated joint CMC Statement shall be filed by 9/17/15.

23 Dated: June 25, 2015



**DECLARATION OF PETER S. HECKER**

I, Peter S. Hecker, declare:

1. I am an attorney duly admitted to practice before this Court. I am a partner with the law firm of Sheppard Mullin Richter & Hampton, LLP, co-counsel for defendant American Security Insurance Co. in this case. I have personal knowledge of the facts set forth below.

2. As set forth in the above stipulation, the parties have stipulated that, subject to the Court's approval, July 2, 2015 case management conference shall be continued, and the case shall be stayed, until resolution of appeals in the *Fladell* matter.

3. Previous time modifications in this case include:

- On July 13, 2012, the Court granted Plaintiffs' motion to extend time to respond to Wells Fargo motion to dismiss.
- On July 18, 2012, the Court continued a Case Management Conference.
- On August 9, 2012, the parties stipulated to extend former defendant Assurant, Inc.'s time to respond to the Complaint.
- On August 20, 2012, the Court continued a Case Management Conference.
- On August 20, 2012, the parties stipulated to extend former defendant Federal National Mortgage Association's time to respond to the Amended Complaint.
- On August 21, 2012, the parties stipulated to extend Wells Fargo Bank, N.A.'s time to respond to the First Amended Complaint.
- On August 22, 2012, the Court continued a Case Management Conference.
- On September 10, 2012, the Court continued a Case Management Conference.
- On October 30, 2012, the Court continued deadlines for motions to dismiss and continued a Case Management Conference.
- On December 3, 2012, the Court continued a Case Management Conference.
- On January 10, 2013, the Court continued a Case Management Conference.
- On January 23, 2013, the Court continued a Case Management Conference, pursuant to stipulation.
- On July 2, 2013, the Court continued a Case Management Conference.

- On July 17, 2013, the Court continued a Case Management Conference, pursuant to stipulation.
- On September 9, 2013, the Court continued a Case Management Conference.
- On September 27, 2013, the Court continued a Case Management Conference.
- On October 30, 2013, the Court continued the deadlines for Wells Fargo and ASIC to respond to the Third Amended Complaint, pursuant to stipulation.
- On November 12, 2013, the Court continued a Case Management Conference.
- On November 22, 2013, the Court continued motion hearings and a Case Management Conference, pursuant to stipulation.
- On April 9, 2014, the Court continued the settlement conference.
- On May 6, 2014, the Court continued the Case Management Conference.
- On June 18, 2014, the Court continued the Case Management Conference.
- On September 10, 2014, the Court reset the Case Management Conference from October 16, 2014 to October 7, 2014.
- On September 30, 2014 the Court continued the Case Management Conference to December 4, 2014.
- On November 12, 2014, the Court reset the Case Management Conference to December 11, 2014.
- On December 4, 2014, the Court reset the Case Management Conference to June 25, 2015.
- On June 2, 2015, the Court reset the Case Management Conference to July 2, 2015.

4. Due to the entry of Final Judgment in the *Fladell* matter, as well as anticipated resolution of the notices of appeal filed in that case, I believe that the requested continuance and stay will not have any significant impact on the schedule for the case.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 25<sup>th</sup> day of June, 2015, at San Francisco, California.

*/s/ Peter S. Hecker*  
\_\_\_\_\_  
PETER S. HECKER