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7 **UNITED STATES DISTRICT COURT**  
 8 **NORTHERN DISTRICT OF CALIFORNIA**

9 RONDA CALEF,

10 Plaintiff,

11 v.

12 WACHOVIA MORTGAGE

13 CORPORATION; WELLS FARGO BANK,

14 N.A.; NDEX WEST, LLC; and DOES 1-20;

15 Defendants.

) **Case No: CV12-01392**

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER ESTABLISHING EXPEDITED**  
 ) **BRIEFING SCHEDULE FOR HEARING**  
 ) **ON MOTION TO REMAND AND**  
 ) **MOTION FOR PRELIMINARY**  
 ) **INJUNCTION**

) Judge: Hon. Richard Seeborg

) Action Removed: March 20, 2012

1 STIPULATION

2 Plaintiffs Ronda Calef (the "Plaintiff") and Defendant Wells Fargo Bank, N.A. ("Wells  
3 Fargo") by, and through their respective counsel, jointly stipulate as follows:

4 WHEREAS, on March 12, 2012, the Plaintiff commenced this action the San Francisco  
5 County Superior Court;

6 WHEREAS, also on March 12, 2012, the San Francisco County Superior Court granted  
7 plaintiff's ex parte application for a temporary restraining order enjoining a foreclosure sale  
8 scheduled for the next day;

9  
10 WHEREAS, the San Francisco County Superior Court further ordered that the plaintiff  
11 post a \$2,000 bond by 12:00 p.m. on March 19, 2012 and set a hearing on a motion for a  
12 preliminary injunction for March 29, 2012 at 9:30 a.m.;

13 WHEREAS, the Plaintiff did indeed post the bond of \$2,000 before noon on March 19,  
14 2012;

15  
16 WHEREAS, on March 20, 2012, Defendant Wells Fargo Bank, N.A. removed this action  
17 from the San Francisco County Superior Court to this Court;

18 WHEREAS, on March 28, 2012, Defendant NDEX West, LLC joined in Wells Fargo's  
19 Notice of Removal;

20 WHEREAS, on April 3, 2012, Wells Fargo Bank, N.A. filed a motion to dismiss the  
21 plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6);

22 WHEREAS, the Plaintiff contends that this action was improvidently removed;

23 WHEREAS, the Plaintiff further contends that she is entitled to injunctive relief  
24 enjoining the foreclosure sale of her home located at 1908 Buchanan Street, San Francisco, CA  
25 94115;

26  
27 WHEREAS, a foreclosure sale of Plaintiff's home was scheduled for April 17, 2012 and,  
28 in anticipation of this Stipulation, Wells Fargo continued the sale to May 17, 2012;

1           WHEREAS, the Plaintiff intends to file a motion to remand and a motion for a  
2 preliminary injunction;

3           WHEREAS, the Parties wish to conserve judicial resources, as well as their own  
4 resources, by having the Plaintiff's motions to remand this action to state court and for a  
5 preliminary injunction on the same day of Wells Fargo's motion to dismiss this action;

6           WHEREAS, Wells Fargo has postponed the trustee's sale as set forth above;

7           NOW IT IS HEREBY STIPULATED AND AGREED by and between Wells Fargo and  
8 Plaintiff, through their undersigned counsel of record that:  
9

- 10           1. The Plaintiff shall have up to and including April 11, 2012 to file and serve her  
11           motions for a preliminary injunction and to remand this action to state court;
- 12           2. Wells Fargo shall have up to and including April 25, 2012 to file and serve an  
13           opposition to the motions for a preliminary injunction and to remand this action;
- 14           3. The Plaintiff shall have to and including May 2, 2012 to file and serve a reply to  
15           Wells Fargo's oppositions to the motions for a preliminary injunction and to remand  
16           this action;
- 17           4. The hearing on the Plaintiff's motion to remand the motion for a preliminary  
18           injunction will be heard concurrently with Wells Fargo's motion to dismiss, which is  
19           scheduled for May 10, 2012 at 1:30 p.m.;
- 20           5. Wells Fargo will not sell the Plaintiff's home, located at 1908 Buchanan Street, San  
21           Francisco, CA 94115, before May 17, 2012. Plaintiff expressly denies that Wells  
22           Fargo has or will ever have a right to foreclose.  
23  
24

25  
26 IT IS SO STIPULATED.

27 Dated: April 6, 2012  
28

**The Goodell Law Firm**

Nelson W. Goodell

By:           /s/ Nelson W. Goodell            
NELSON W. GOODELL  
Attorney for Plaintiff  
Ronda Calef

Dated: April 6, 2012    **ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP**

By:           /s/ Keith D. Yandell            
KEITH D. YANDELL  
Attorney for Defendant  
Wells Fargo Bank, NA

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**ORDER**

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2 Having reviewed the Joint Stipulation of Plaintiff Ronda Calef and  
3 Defendant Wells Fargo Bank, N.A., and for good cause shown, the Court hereby orders:

- 4 1. The hearing for the Plaintiff's motions for a preliminary injunction and motion  
5 and the motion to remand this action to state court will be heard on May 10, 2012 at  
6 1:30 p.m.;
- 7
- 8 2. The Plaintiff will have up to and including April 11, 2012 to file the motions for  
9 preliminary injunction and motion to remand;
- 10
- 11 3. Wells Fargo will have up to and including April 25, 2012 to file oppositions to the  
12 motions for a preliminary injunction and motion to remand;
- 13
- 14 4. The Plaintiff will have up and including May 2, 2012 to file reply briefs to the  
15 oppositions to the motions for a preliminary injunction and motion to remand;
- 16
- 17 5. Wells Fargo will not cause a trustee's sale of the plaintiff's home, which is located  
18 at 1908 Buchanan Street, San Francisco, CA 94115, until at least May 17, 2012.

19 Dated: 4/6/12



20 Honorable Richard Seeborg  
21 United States District Judge  
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