

1 MARSHALL C. WALLACE (BAR NO. 127103)
 2 KEITH D. YANDELL (BAR NO. 233146)
 3 KAMRAN JAVANDEL (BAR NO. 272900)
 4 ALLEN MATKINS LECK GAMBLE
 5 MALLORY & NATSIS LLP
 6 Three Embarcadero Center, 12th Floor
 7 San Francisco, CA 94111-4074
 8 Phone: (415) 837-1515
 9 Fax: (415) 837-1516
 10 E-Mail: mwallace@allenmatkins.com
 11 kyandell@allenmatkins.com
 12 kjavandel@allenmatkins.com
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 14 Attorneys for Defendant
 15 WELLS FARGO BANK, N.A., successor by merger
 16 with Wells Fargo Bank Southwest, N.A., f/k/a
 17 Wachovia Mortgage, FSB, f/k/a World Savings Bank,
 18 FSB

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 RONDA CALEF,
 14
 15 Plaintiff,
 16
 17 vs.
 18 WACHOVIA MORTGAGE
 19 CORPORATION; WELLS FARGO
 20 BANK, N.A.; AND DOES 1 through 20,
 21 inclusive,,
 22
 23 Defendant.

Case No. CV 12-01392 RS
 STIPULATION AND ~~PROPOSED~~
 ORDER RE AMENDED COMPLAINT,
 MOTION TO DISMISS AMENDED
 COMPLAINT, AND BRIEFING
 SCHEDULE

1 **STIPULATION**

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

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

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

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

11 WHEREAS, on April 3, 2012, Wells Fargo Bank, N.A. filed a motion to dismiss the
12 Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (Docket No.
13 14), and NDEX West joined in that Motion on April 6, 2012 (Docket No. 15);

14 WHEREAS, there was a foreclosure sale of Plaintiff's home scheduled for April 17,
15 2012

16 WHEREAS, in exchange for the stipulation entered in this action on April 6, 2012
17 (Docket No. 16), Wells Fargo continued the sale to May 17, 2012;

18 WHEREAS, the April 6, 2012 Stipulation provided for an expedited briefing
19 schedule on Plaintiff's Motion to Remand and Motion for a Preliminary Injunction;

20 WHEREAS, on April 25, 2012 at 12:00 a.m. Plaintiff filed an Amended Complaint;

21 WHEREAS, Wells Fargo contends that its pending Motion to Dismiss (Docket No.
22 14) addresses all but one of the theories presented in Plaintiff's Amended Complaint, and
23 Wells Fargo addresses the lone new issue in its Opposition to Plaintiff's Motion for
24 Preliminary Injunction;

25 WHEREAS, the Parties wish to conserve judicial resources, as well as their own
26 resources, and resolve their dispute regarding the Amended Complaint in an efficient
27 fashion;

28

1 NOW IT IS HEREBY STIPULATED AND AGREED by and between Wells
2 Fargo, NDeX and Plaintiff, through their undersigned counsel of record that:

3 1) Plaintiff's Amended Complaint (Docket No. 25) shall be deemed to be
4 properly filed.

5 2) Wells Fargo's Pending Motion to Dismiss (Docket No. 14) shall be deemed
6 to move to dismiss Plaintiff's *Amended* Complaint.

7 3) Plaintiff's Opposition to that Motion to Dismiss shall be due no later than
8 Friday, May 4, 2012 at Noon.

9 4) Wells Fargo's Reply shall be due no later than Tuesday May 8, 2012 at
10 Noon.

11 5) Wells Fargo's Motion to Dismiss shall remain on calendar and shall be heard
12 on May 10, 2012 at 1:30 p.m.

13 6) NDeX's joinder in Wells Fargo's Motion to Dismiss shall be deemed to move
14 to dismiss Plaintiff's *Amended* Complaint.

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IT IS SO STIPULATED.

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Dated: April 25, 2012

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THE GOODELL LAW FIRM

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

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Dated: April 25, 2012

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**ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP**

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

Dated: April 25, 2012

**BARRETT DAFIN FRAPPIER TREDER
& WEISS**

By: /s/ Darlene Hernandez

DARLENE HERNANDEZ
Attorney for Defendant
NDeX West, LLC

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3 **ORDER**

4 Having reviewed the Joint Stipulation of Plaintiff Ronda Calef, Defendant
5 NDeX West, LLC and Defendant Wells Fargo Bank, N.A., and for good cause shown, the
6 Court hereby orders:

7 1) Plaintiff's Amended Complaint (Docket No. 25) is deemed to be properly
8 filed.

9 2) Wells Fargo's Pending Motion to Dismiss (Docket No. 14), and NDeX's
10 joinder therein (Docket No. 15) is be deemed to move to dismiss Plaintiff's *Amended*
11 Complaint.

12 3) NDeX's joinder in Wells Fargo's Motion to Dismiss shall be deemed to move
13 to dismiss Plaintiff's *Amended* Complaint.

14 4) Plaintiff's Opposition to Wells Fargo's Motion to Dismiss shall be due no
15 later than 12:00 p.m. on Friday, May 4, 2012.

16 5) Wells Fargo's Reply shall be due no later than 12:00 p.m. on Tuesday May 8,
17 2012.

18 6) Wells Fargo's Motion to Dismiss shall remain on calendar and shall be heard
19 on May 10, 2012 at 1:30 p.m.

20 Dated: 4/26/12



21 Honorable Richard Seeborg
22 United States District Judge