

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

1 Christopher A. Carr (# 44444)
ccarr@afrc.com
2 Kenneth A. Franklin (# 143809)
kfranklin@afrc.com
3 ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP
4 199 South Los Robles Avenue, Suite 600
Pasadena, California 91101-2459
5 Telephone: (626) 535-1900
Facsimile: (626) 577-7764

6 Attorneys for Defendant
7 WELLS FARGO BANK, N.A., successor
by merger with Wells Fargo Bank
8 Southwest, N.A., f/k/a Wachovia Mortgage,
FSB, f/k/a World Savings Bank, FSB
9 (“Wells Fargo”)

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 John R. Graybill and Patricia Goff-Graybill,
14 Plaintiffs,
15 v.
16 Wells Fargo Bank, N.A.,
17 Defendant

CASE NO.: 3:12-CV-05802-LB
[The Honorable Laurel Beeler]

**JOINT STIPULATION TO TAKE
DEFENDANT’S MOTION TO DISMISS
OFF CALENDAR AND FOR PLAINTIFF
TO FILE A SECOND AMENDED
COMPLAINT : ORDER**

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20 **TO THE CLERK OF THE ABOVE-ENTITLED COURT AND THE HONORABLE**
21 **JUDGE LAUREL BEELER:**

22 Defendant Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank
23 Southwest, N.A., formerly known as Wachovia Mortgage, FSB (“Wells Fargo”) and plaintiffs
24 John R. Graybill and Patricia Goff-Graybill, through their respective counsel, hereby stipulate
25 that the motion to dismiss is withdrawn because plaintiffs will be filing an amended complaint.

26 **RECITALS**

- 27 1. WHEREAS, on July 20, 2012, Plaintiffs filed the complaint;
28 2. WHEREAS, on November 2, 2012, Plaintiffs filed the first amended complaint;

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- 3. WHEREAS, on November 9, 2012, Wells Fargo filed the notice of removal;
- 4. WHEREAS, on November 15, 2012, Wells Fargo filed the motion to dismiss;
- 5. WHEREAS, this stipulation waives no rights of either party.

STIPULATION

- 1. The motion to dismiss filed by Wells Fargo is withdrawn;
- 2. Plaintiffs shall file a second amended complaint on or before January 7, 2013; and
- 3. Wells Fargo shall respond to plaintiffs' second amended complaint on or before January 22, 2013.

Date: December 18, 2012

IT IS SO STIPULATED.



Dated: December 13, 2012

ANGLIN, FLEWELLING RASMUSSEN,
CAMPBELL & TRYTTEN LLP

By: /s/ Kenneth A. Franklin
 Kenneth A. Franklin
 kfranklin@afrc.com
 Attorneys for Defendant
 WELLS FARGO BANK, N.A., successor by
 merger with Wells Fargo Bank Southwest, N.A.,
 f/k/a Wachovia Mortgage, FSB, f/k/a World
 Savings Bank, FSB ("Wells Fargo")

Dated: December 14, 2012

Edward J. LaBarre

/s/ Edward J. LaBarre
 Edward J. LaBarre
 Counsel for Plaintiffs John R. Graybill and
 Patricia Goff-Graybill

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Kenneth A. Franklin attest that concurrence in the filing of this document has been obtained from each signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this day of December 13, 2012.

By: /s/ Kenneth A. Franklin