

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Amanda L. Groves (SBN: 187216)
agroves@winston.com
WINSTON & STRAWN LLP
101 California Street
San Francisco, CA 94111-5802
Tel.: (415) 591-1000; Fax: (415) 591-1400

T. Thomas Cottingham, III (*admitted pro hac vice*)
tcottingham@winston.com
Stacie C. Knight (*admitted pro hac vice*)
sknight@winston.com
WINSTON & STRAWN LLP
100 North Tryon Street, Suite 2900
Charlotte, NC 28202-1078
Tel.: (704)350-7700; Fax: (704)350-7800

Mark T. Flewelling (SBN: 96465)
mflewelling@afrc.com
Yaw-Jiun (Gene) Wu (SBN: 228240)
gwu@afrc.com
Leigh O. Curran (SBN: 173322)
lcurran@afrc.com
ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN
199 So. Los Robles Ave., #600
Pasadena, CA 91101
Tel: (626)535-1900; Fax: (626)577-7764

Attorneys For Defendants WELLS FARGO HOME MORTGAGE, a Division of 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, and successor by merger with WACHOVIA MORTGAGE CORPORATION; WORLD SAVINGS, INC.; WELLS FARGO BANK SOUTH CENTRAL, N.A., successor by merger with WACHOVIA BANK, FSB, f/k/a WORLD SAVINGS BANK, FSB (TEXAS); and WELLS FARGO & COMPANY, successor by merger with WACHOVIA CORPORATION, which was successor by merger with GOLDEN WEST FINANCIAL CORPORATION (“Wells Fargo”)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

JENNIFER MURPHY, et al., Individually And
On Behalf Of All Others Similarly Situated,

Plaintiffs,

v.

WELLS FARGO HOME MORTGAGE, et al.,

Defendants

CASE NO.: 3:12-CV-06228 - SI

[The Hon. Susan Illston]

**JOINT STIPULATION ON PROPOSED
BRIEFING SCHEDULE AND HEARING
ON MOTION, AND TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE; DECLARATION OF
YAW-JIUN (GENE) WU**

1 The parties, by and through their counsel of record, hereby enter in the stipulation below
2 concerning the response to Plaintiffs' Amended Complaint, the briefing schedule and hearing
3 date for any motion to dismiss, and the continuance of the initial case management conference.

4 This stipulation is based on the following:

- 5 A. Plaintiffs filed their amended complaint on March 1, 2013 (Dkt #15);
- 6 B. Because of the complexity of the factual and legal issues raised in the amended
7 complaint, and to coordinate the briefing of any motion to dismiss in this action
8 with the briefing in *D'Alessio v. Wells Fargo Home Mortgage*, Case Number C
9 13-00999-SI, which was related to this action by Order dated March 12, 2013
10 (Dkt #23), the parties desire that the Court set the briefing schedule set forth
11 below, which schedule the parties are also stipulating to in *D'Alessio*;
- 12 C. The parties also desire that the Court continue the initial case management
13 conference, currently scheduled for March 22, 2013 at 2:30 p.m., to June 14, 2013
14 at 2:30 p.m. so that it can take place on the same date that the initial case
15 management conference in *D'Alessio* has been set for (Dkt # 9), and any motions
16 filed in response to the amended complaint are heard and which date the parties
17 are also stipulating to in *D'Alessio*;

18 The parties hereby stipulate:

- 19 1. Defendants shall respond to the amended complaint on or before April 12, 2013;
- 20 2. If Defendants file a motion in response to the amended complaint, then Plaintiffs
21 shall file an opposition to the motion on or before May 10, 2013; and
- 22 3. Defendants shall file a reply brief on or before May 31, 2013.
- 23 4. Defendants' motion in response to the amended complaint shall be heard on June
24 14, 2013 at 9:00 a.m., or as otherwise set by the Court.
- 25 5. The initial case management conference shall be continued to June 14, 2013 at
26 2:30 p.m., or as otherwise set by the Court.

27 Dated: March 15, 2013

BERNS WEISS LLP

28 By: /s/ Lee A. Weiss

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Lee A. Weiss (SBN 131351) (*admitted pro hac vice*)
585 Stewart Avenue, Suite L-20
Garden City, New York 11540
Telephone: (818) 961-2000
Facsimile: (818) 999-1500

Attorneys for Plaintiffs

Dated: March 15, 2013

ANGLIN, FLEWELLING, RASMUSSEN
CAMPBELL & TRYTTEN LLP

By: /s/ Yaw-Jiun (Gene) Wu

Mark T. Flewelling (SBN 96465)
Yaw-Jiun (Gene) Wu (SBN: 228240)
Leigh O. Curran (SBN: 173322)
199 So. Los Robles Ave. Suite 600
Pasadena, CA 91101
Telephone: +1 626 535 1900
Facsimile: +1 626 577 7764
Attorneys for Defendants WELLS FARGO HOME
MORTGAGE, a Division of 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, and
successor by merger with WACHOVIA MORTGAGE
CORPORATION; WORLD SAVINGS, INC.; WELLS
FARGO BANK SOUTH CENTRAL, N.A., successor
by merger with WACHOVIA BANK, FSB, f/k/a
WORLD SAVINGS BANK, FSB (TEXAS); and
WELLS FARGO & COMPANY, successor by merger
with WACHOVIA CORPORATION, which was
successor by merger with GOLDEN WEST
FINANCIAL CORPORATION
("Wells Fargo")

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: 3/15 , 2013



HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: March 15, 2013

By: /s/ Yaw-Jiun (Gene) Wu
Mark T. Flewelling (SBN 96465)
Yaw-Jiun (Gene) Wu (SBN: 228240)
Leigh O. Curran (SBN: 173322)
ANGLIN, FLEWELLING, RASMUSSEN
CAMPBELL & TRYTTEN LLP
199 So. Los Robles Ave. Suite 600
Pasadena, CA 91101
Telephone: +1 626 535 1900
Facsimile: +1 626 577 7764

Attorneys for Defendants WELLS FARGO HOME MORTGAGE, a Division of 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, and successor by merger with WACHOVIA MORTGAGE CORPORATION; WORLD SAVINGS, INC.; WELLS FARGO BANK SOUTH CENTRAL, N.A., successor by merger with WACHOVIA BANK, FSB, f/k/a WORLD SAVINGS BANK, FSB (TEXAS); and WELLS FARGO & COMPANY, successor by merger with WACHOVIA CORPORATION, which was successor by merger with GOLDEN WEST FINANCIAL CORPORATION (“Wells Fargo”)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF YAW-JIUN (GENE) WU

I, Yaw-Jiun (Gene) Wu, declare as follows:

1. I am attorney licensed to practice law in the State of California and admitted to practice before this Court. I am an associate with the law firm of Anglin, Flewelling, Rasmussen, Campbell & Trytten, LLP, co-counsel of record for Defendants in the above-captioned case. I have personal knowledge of the matters stated herein.

2. On February 28, 2013, this Court scheduled the initial case management conference for March 22, 2013 (Dkt #12).

3. Plaintiffs filed a redacted version of their amended complaint on March 1, 2013 (Dkt #15). Plaintiffs filed an unredacted version of their amended complaint on March 6, 2013 (Dkt# 19).

4. Because of the complexity of the factual and legal issues raised in the amended complaint, and to coordinate the briefing of any motion to dismiss in this action with the briefing in *D'Alessio v. Wells Fargo Home Mortgage*, Case Number C 13-00999-SI, which was related to this action by Order dated March 12, 2013 (Dkt #23) ("*D'Alessio* Action"), the parties desire that the Court set the following briefing schedule:

- a. Defendants shall respond to the amended complaint on or before April 12, 2013;
- b. If Defendants file a motion in response to the amended complaint, then Plaintiffs shall file an opposition to the motion on or before May 10, 2013; and
- c. Defendants shall file a reply brief on or before May 31, 2013.
- d. Defendants' motion in response to the amended complaint shall be heard on June 14, 2013 at 9:00 a.m., or as otherwise set by the Court.

5. The parties are also stipulating to continue the initial case management conference to June 14, 2013, so that any motion in response to the amended complaint could be heard on the same date as the initial case management conference.

6. On March 12, 2013, the Court ordered that the *D'Alessio* Action be related to *Murphy v. Wells Fargo Home Mortgage*, Case Number C 12-06228-SI. (Dkt #23). The parties are also stipulating to this same briefing schedule in the *D'Alessio* Action and the initial case

1 management conference in the *D'Alessio* Action has already been set for June 14, 2013 at 2:30
2 pm.

3 7. The parties have not previously requested that the initial case management
4 conference be rescheduled.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed this 15th day of March, 2013, at Pasadena, California.

7

8

/s/ Yaw-Jiun (Gene) Wu
YAW-JIUN (GENE) WU

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over the age of 18 and am not a party to this action. I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling, Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena, California 91101-2459.

On the date below, I served a copy of the foregoing document entitled:

JOINT STIPULATION ON PROPOSED BRIEFING SCHEDULE AND HEARING ON MOTION, AND TO CONTINUE INITIAL CASE MANAGEMENT CONFERENCE; DECLARATION OF YAW-JIUN (GENE) WU

on the interested parties in said case as follows:

Served Electronically Via the Court’s CM/ECF System

Attorneys for Plaintiffs and the Settlement Class

BERNS WEISS LLP
Jeffrey K. Berns
20700 Ventura Blvd. Suite 140
Woodland Hills, CA 91364

BERNS WEISS LLP
Lee A. Weiss
626 RXR Plaza
Uniondale, NY 11556

jberns@bernsweiss.com
Tel: (818) 961-2000
Fax: (818) 999-1500

lweiss@bernsweiss.com
Tel: (516) 222-2900
Fax: (818) 999-1500

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made. This declaration is executed in Pasadena, California on March 15, 2013.

Vanessa Ngo

/s/ Vanessa Ngo

(Type or Print Name)

(Signature of Declarant)