1 2 3 4 5 6 7	ROCKY C. TSAI (SBN 221452) (rocky.tsai@ropesgray.com) ROPES & GRAY LLP Three Embarcadero Center San Francisco, CA 94111-4006 Telephone: (415) 315-6300 Facsimile: (415) 315-6350  Attorneys for Plaintiffs Wells Fargo Bank, N.A., as Trustee, et al.  ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGE		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	WELLS FARGO BANK, NATIONAL	Case No. 3:13-cv-03663-CRB	
11	ASSOCIATION, as Trustee, et al.	JOINT STIPULATED	
12	Plaintiffs,	ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES	
13	v.	SHOULD BE RELATED	
14	CITY OF RICHMOND, CALIFORNIA, a	FILED CONCURRENTLY HEREWITH:	
15 16	municipality; and MORTGAGE RESOLUTION PARTNERS LLC, a Delaware limited liability company,	STIPULATION AND [PROPOSED] ORDER TO CONSIDER CASES RELATED	
17	Defendants.	[Civil L.R. 3-12, 7-11 & 7-12]	
18		·	
19	THE BANK OF NEW YORK MELLON (f/k/a	Case No. 3:13-cv-03664-JCS	
20	The Bank of New York), as Trustee, on behalf of the Trusts listed in Exhibit A, and U.S.	JOINT STIPULATED ADMINISTRATIVE MOTION TO	
21	BANK NATIONAL ASSOCIATION, as Trustee, on behalf of the Trusts listed in Exhibit	CONSIDER WHETHER CASES SHOULD BE RELATED	
22	B, Plaintiffs,	FILED CONCURRENTLY HEREWITH:	
23	v.	STIPULATION AND [PROPOSED]	
24	CITY OF RICHMOND, CALIFORNIA, a	ORDER TO CONSIDER CASES RELATED	
<ul><li>25</li><li>26</li></ul>	municipality; RICHMOND CITY COUNCIL; MORTGAGE RESOLUTION PARTNERS	[Civil L.R. 3-12, 7-11 & 7-12]	
27	LLC, a Delaware limited liability company; and GORDIAN SWORD LLC, a Delaware limited		
28	1		
	JOINT STIPULATED ADMINISTRATIVE MOTION T	O CONSIDER WHETHER CASES SHOULD BE RELATED; CASE NO. 3:13-CV-03663-CRB	

liability company;

## Defendants.

Pursuant to Civil Local Rules 3-12, 7-11, and 7-12, and the stipulation concurrently filed herewith, the undersigned parties, by and through their counsel, hereby respectfully submit this joint stipulated administrative motion requesting that the Court relate the following cases:

Wells Fargo Bank, N.A., as Trustee, on behalf of the Trusts listed in Exhibit A, et al. v. City of Richmond et al., No. 3:13-CV-03663-CRB (the "Wells Fargo Action"); and

The Bank of New York Mellon, as Trustee, et al. v. City of Richmond et al., No. 3:13-CV-03664-JCS (the "BNYM Action")

The above-referenced actions (the "Related Actions") both assert claims against the City of Richmond and Mortgage Resolution Partners LLC alleging that the use of the City of Richmond's power of eminent domain to seize certain mortgage loans is unconstitutional. The Related Actions are based on similar factual allegations. The Related Actions also assert similar claims, including claims alleging the following:

- Violation of the "Public Use" requirement and the prohibitions against extraterritorial seizures under the Takings Clauses of the U.S. and California Constitutions;
- Violation of the Commerce and Contracts clauses of the U.S. Constitution; and
- Violation of the "Just Compensation" requirements of the Takings Clauses of the U.S. and California Constitutions.

The *BNYM* and *Wells Fargo* Actions are therefore related because the actions concern substantially the same parties, property, transaction or event, and it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges. *See* Civil L.R. 3-12. An order relating the Related Actions will serve the interests of judicial economy by avoiding the duplication of labor and expense that would likely result from conducting these cases in an uncoordinated manner.

Accordingly, the undersigned parties respectfully request that the Court enter an order relating the *BNYM* and *Wells Fargo* Actions. Pursuant to Civil Local Rule 7-12, counsel for the

1	undersigned parties in the Related Actions have stipulated that the cases should be related. That	
2	stipulation is filed concurrently here	ewith.
3		
4		Respectfully submitted,
5		
6	Dated: August 16, 2013	ROPES & GRAY LLP
7		By: /s/ Rocky C. Tsai
8		Rocky C. Tsai
9		ATTORNEYS FOR PLAINTIFFS WELLS
10		FARGO BANK, N.A., AS TRUSTEE; DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE; AND DEUTSCHE
11		BANK TRUST COMPANY AMERICAS, AS TRUSTEE
12		CASE NO. 3:13-CV-03663-CRB
13		MAYER BROWN LLP
14		By: /s/ Bronwyn F. Pollock
15		Donald M. Falk
16		Bronwyn F. Pollock
17		ATTORNEYS FOR PLAINTIFF THE BANK OF NEW YORK MELLON, AS TRUSTEE (F/K/A
18		THE BANK OF NEW YORK) CASE NO. 3:13-CV-03664-JCS
19		JONES DAY
20		By: /s/ Matthew A. Martel
21		Matthew A. Martel
22		ATTORNEYS FOR PLAINTIFF U.S. BANK
23		NATIONAL ASSOCIATION, AS TRUSTEE Case No. 3:13-CV-03664-JCS
24		A A TORAN A DEPARTMENT OF THE PROPERTY OF THE
25		ALTSHULER BERZON LLP
<ul><li>26</li><li>27</li></ul>		By: /s/ Scott A. Kronland
28		Scott A. Kronland
۷۵		J

1	ATTORNEYS FOR DEFENDANTS Case No. 3:13-CV-03663-CRB		
2	Case No. 3:13-CV-03664-JCS		
3	I attest that concurrence in the filing of this document has been obtained from Bronwyn		
4	F. Pollock, Matthew A. Martel, and Scott A. Kronland, whose conformed signatures are set forth		
5	above.		
6	/s/ Rocky C. Tsai		
7	Rocky C. Tsai		
8			
9			
10			
11			
12			
<ul><li>13</li><li>14</li></ul>			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28	4		