

1 liability company;

2 Defendants.

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

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

8 *The Bank of New York Mellon, as Trustee, et al. v. City of Richmond et al.*, No. 3:13-CV-
9 03664-JCS (the “*BNYM Action*”)

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

- 15 • Violation of the “*Public Use*” requirement and the prohibitions against extraterritorial
16 seizures under the *Takings Clauses* of the U.S. and California Constitutions;
- 17 • Violation of the *Commerce and Contracts clauses* of the U.S. Constitution; and
- 18 • Violation of the “*Just Compensation*” requirements of the *Takings Clauses* of the U.S.
19 and California Constitutions.

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

26 Accordingly, the undersigned parties respectfully request that the Court enter an order
27 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 herewith.

3
4 Respectfully submitted,

5 Dated: August 16, 2013

6 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;
11 DEUTSCHE BANK NATIONAL TRUST
12 COMPANY, AS TRUSTEE; AND DEUTSCHE
13 BANK TRUST COMPANY AMERICAS, AS
14 TRUSTEE
15 CASE NO. 3:13-CV-03663-CRB

16
17
18
19
20
21
22
23
24
25
26
27
28
MAYER BROWN LLP

By: /s/ Bronwyn F. Pollock

Donald M. Falk
Bronwyn F. Pollock

ATTORNEYS FOR PLAINTIFF THE BANK OF
NEW YORK MELLON, AS TRUSTEE (F/K/A
THE BANK OF NEW YORK)
CASE NO. 3:13-CV-03664-JCS

JONES DAY

By: /s/ Matthew A. Martel

Matthew A. Martel

ATTORNEYS FOR PLAINTIFF U.S. BANK
NATIONAL ASSOCIATION, AS TRUSTEE
Case No. 3:13-CV-03664-JCS

ALTSHULER BERZON LLP

By: /s/ Scott A. Kronland

Scott A. Kronland

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

ATTORNEYS FOR DEFENDANTS
Case No. 3:13-CV-03663-CRB
Case No. 3:13-CV-03664-JCS

I attest that concurrence in the filing of this document has been obtained from Bronwyn F. Pollock, Matthew A. Martel, and Scott A. Kronland, whose conformed signatures are set forth above.

/s/ Rocky C. Tsai

Rocky C. Tsai