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19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

22 **IN RE WELLS FARGO & COMPANY**
 23 **SHAREHOLDER DERIVATIVE**
 24 **LITIGATION**

Lead Case No. 3:16-cv-05541-JST

STIPULATION AND ~~PROPOSED~~
ORDER SETTING BRIEFING
SCHEDULE

The Honorable Jon S. Tigar

26 WHEREAS, on February 8, 2017, the Court entered an order setting the briefing schedule
 27 on Defendants’ motion to dismiss the Consolidated Complaint on the threshold issue of demand
 28 futility [Dkt. 81];

1 Whereas, the February 8, 2017 order preserved Defendants’ right to assert other defenses,
2 including by motion or otherwise, after the Court’s consideration of Defendants’ demand futility
3 motion to dismiss;

4 WHEREAS, on February 24, 2017, Lead Plaintiffs Fire and Police Pension Association of
5 Colorado and The City of Birmingham Retirement and Relief System filed their Consolidated
6 Amended Verified Stockholder Derivative Complaint [Dkt. 83];

7 WHEREAS, on March 17, 2017, Defendants filed their motion to dismiss for failure to
8 adequately plead demand futility [Dkt. 99], which Plaintiffs opposed on April 3, 2017 [Dkt. 115]
9 and Defendants replied to on April 14, 2017 [Dkt. 116];

10 WHEREAS, on May 4, 2017, the Court held argument on Defendants’ motion to dismiss
11 on demand futility grounds;

12 WHEREAS, on May 4, 2017, the Court denied in part and granted in part Defendants’
13 motion to dismiss [Dkt. 129], holding that Plaintiffs had adequately pled demand futility;

14 WHEREAS, the parties have conferred and agreed on a schedule for briefing any
15 remaining motions to dismiss pursuant to Federal Rule of Civil Procedure 12 that Defendants
16 intend to make;

17 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Lead
18 Plaintiffs, by and through their counsel, and Defendants, by and through their counsel, that the
19 following schedule shall be in effect for the filing of Defendants’ motions to dismiss pursuant to
20 Rule 12:

21 Last Day to File Motion to Dismiss or Otherwise Respond
22 to the Amended Complaint: June 5, 2017

23 Last Day to File Response to Motion to Dismiss: July 5, 2017

24 Last Day to File Reply to Responses: 21 days from filing of Response to
25 Motion to Dismiss

26 Hearing on Motion to Dismiss: At the Court’s convenience
27
28

1 Dated: May 23, 2017

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Richard M. Heimann, in compliance with General Order 45, Section X(B), hereby attest that I obtained the concurrence of all of the above-listed counsel in filing this document.

DATED: May 23, 2017


/s/ Richard M. Heimann
Richard M. Heimann

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ORDER

THE FOREGOING STIPULATION IS APPROVED AND IT IS SO ORDERED.

Dated: May 30, 2017



THE HONORABLE JON S. TIGAR
UNITED STATES DISTRICT JUDGE