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13 Attorneys for Defendants  
 14 WELLS FARGO BANK, N.A.; WELLS FARGO &  
 COMPANY

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

18 MONTE RUSSELL and DANIEL  
 19 FRIEDMAN, on behalf of themselves  
 and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO & COMPANY,  
 23 Defendants.

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN  
 COURTROOM 2

**ORDER GRANTING  
 STIPULATION TO EXTEND  
 DEADLINE FOR FILING  
 UNOPPOSED MOTION FOR  
 PRELIMINARY APPROVAL OF  
 SETTLEMENT**

1           Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants  
2 Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through  
3 their respective counsel, hereby stipulate as follows:  
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1           WHEREAS, the Court issued an Order continuing the Case Management  
2 Conference to April 6, 2010, pursuant to a Stipulation by the parties, on December  
3 8, 2009 (ECF No. 134);  
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5           WHEREAS, the Court's December 8, 2009 Order further provided that if the  
6 parties should reach a settlement, they may file no later than January 26, 2010, an  
7 unopposed motion for preliminary approval, without noticing it for hearing, and the  
8 motion would be decided by the Court on the papers;  
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10           WHEREAS, since the Court's December 8, 2009 Order, counsel for the  
11 parties have agreed in principle on an settlement amount, formulae and structures  
12 for this conditionally certified collective action and putative Rule 23 state law class  
13 action, the number and identity of settlement subclasses which shall make up the  
14 Opt-in and putative Rule 23 state law classes, and formulae for calculating damages  
15 awards for the Named Plaintiffs, Opt-in Plaintiffs, and members of the putative  
16 Rule 23 state law class;  
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18           WHEREAS, while counsel for the parties have reached an agreement in  
19 principle for approximately 98 persons who have opted-in or are putative class  
20 members, they are still exchanging information regarding resolution of the claims  
21 of PC/LAN 5 engineers (or employees who worked for some period of time as  
22 PC/LAN 5s) who opted-into the litigation, and who number approximately 13  
23 employees;  
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25           WHEREAS, counsel for the parties remain optimistic they can resolve of the  
26 claims of the PC/LAN 5s and include them in the settlement group of 98;  
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1           WHEREAS, the Plaintiffs' attorneys have discussed the status of  
2 negotiations with a percentage of their individual opt-in clients and, based on these  
3 privileged discussions, believe that the proposed settlement of this action will be  
4 well received by the Opt-in Plaintiffs and members of the putative Rule 23 state law  
5 class;

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7           WHEREAS, the parties have been working diligently to reduce the specific  
8 terms of the proposed FLSA collective action and Rule 23 class action settlement to  
9 writing, all of which takes time as this action is a complex putative class and  
10 collective action; and

11  
12           WHEREAS, presently the parties require and hereby request 30 days so as to  
13 allow the parties to further develop the specific terms of the settlement and draft the  
14 papers for preliminary FLSA and Rule 23 approval, including proposed class  
15 notices and claims forms, for submission to the Court.

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17           NOW, THEREFORE, through their respective counsel, THE PARTIES  
18 STIPULATE TO THE FOLLOWING:

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20           1.     The parties propose that the deadline for submitting an unopposed  
21 motion for preliminary approval of settlement be extended until February 26, 2010.  
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DATED: January 26, 2010

LARSON KING, LLP  
T. JOSEPH SNODGRASS  
KELLY A. SWANSON

By: /s/ T. JOSEPH SNODGRASS  
T. JOSEPH SNODGRASS

Attorneys for Plaintiffs  
MONTE RUSSELL and DANIEL FRIEDMAN

DATED: January 26, 2010

HODEL BRIGGS WINTER LLP  
GLENN L. BRIGGS  
THERESA A. KADING

By: /s/ GLENN L. BRIGGS  
GLENN L. BRIGGS

Attorneys for Defendants  
WELLS FARGO BANK, N.A.; WELLS FARGO  
& COMPANY

**ORDER**

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/1, 2010



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CLAUDIA WILKEN  
DISTRICT COURT JUDGE

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