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

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

18 MONTE RUSSELL and DANIEL
 19 FRIEDMAN, on behalf of themselves and
 others similarly situated,
 20
 Plaintiffs,
 21
 v.
 22
 WELLS FARGO AND COMPANY and
 23 WELLS FARGO BANK, N.A.,
 24
 Defendants.

CASE NO: C 07 3993 CW
 JUDGE CLAUDIA WILKEN
 COURTROOM 2

**STIPULATION RE
 WITHDRAWAL OF CONSENT OF
 JEFF MILLER TO BECOME A
 PARTY PLAINTIFF;
 ORDER
 APPROVING WITHDRAWAL**

25
 26 Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants
 27 Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through their
 28 respective counsel, hereby stipulate as follows:

1 WHEREAS, Jeff Miller, a putative collective action member, received notice of this
2 action pursuant to this Court’s order dated September 3, 2008, and signed a document
3 entitled Consent to Join the FLSA Collective Action (“Consent Form”) on September
4 28, 2008, thereby giving his consent to become a party plaintiff in this action;

5
6 WHEREAS, on October 17, 2008, Plaintiff filed a Notice of Filing Consent to
7 Become a Party Plaintiff, which included Mr. Miller’s Consent Form (“Notice”)
8 (ECF No. 66);

9
10 WHEREAS, Jeff Miller wishes to withdraw his Consent Form; and

11
12 WHEREAS, Defendants agree to the withdrawal of Mr. Miller’s Consent Form;

13
14 NOW, THEREFORE, through their respective counsel, THE PARTIES HEREBY
15 STIPULATE AS FOLLOWS:

16
17 1. Jeff Miller’s Consent to Join the FLSA Collective Action is hereby
18 withdrawn;

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20 2. Mr. Miller is no longer a party plaintiff to this action;

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22 3. Mr. Miller’s rights shall be determined as though he never signed the
23 Consent Form.

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

DATED: February 26, 2010

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

Attorneys for Plaintiffs
MONTE RUSSELL AND DANIEL FRIEDMAN

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

DATED: February 26, 2010

By: /s/ Theresa A. Kading
 THERESA A. KADING

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

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Jeff Miller's Consent to Join the FLSA Collective Action is hereby withdrawn;
2. Mr. Miller is no longer a party plaintiff to this action;
3. Mr. Miller's rights shall be determined as though he never signed the Consent Form.

3/2

Dated: _____, 2010



CLAUDIA WILKEN
DISTRICT COURT JUDGE