

1 T. JOSEPH SNODGRASS (MN# 231071) (*pro hac vice*)  
Email: jsnodgrass@larsonking.com

2 KELLY A. SWANSON (MN# 330838) (*pro hac vice*)  
Email: kswanson@larsonking.com

3 LARSON · KING, LLP  
2800 Wells Fargo Place  
4 30 East 7th Street  
St. Paul, Minnesota 55101  
5 Telephone: (651) 312-6500  
Facsimile: (651) 312-6619

6 Attorneys for Plaintiffs MONTE RUSSELL and DANIEL FRIEDMAN

7 KELLY M. DERMODY (Cal. Bar No. 171716)

8 Email: kdermody@lchb.com  
JAHAN C. SAGAFI (Cal. Bar. No. 224887)

9 Email: jsagafi@lchb.com  
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP  
10 275 Battery Street, 29<sup>th</sup> Floor  
San Francisco, CA 94111-3339  
11 Telephone: (415) 956-1000  
Facsimile: (415) 956-1008

12 Attorneys for *Lewis* Plaintiffs

13 GLENN L. BRIGGS (SB# 174497)  
14 Email: gbriggs@hbwillp.com  
THERESA A. KADING (SB# 211469)  
15 Email: tkading@hbwillp.com  
HODEL BRIGGS WINTER LLP  
16 8105 Irvine Center Drive, Suite 1400  
Irvine, CA 92618  
17 Telephone: (949) 450-8040  
Facsimile: (949) 450-8033

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

19 JOAN B. TUCKER FIFE (SBN 144572)

20 WINSTON & STRAWN LLP  
101 California Street  
21 San Francisco, California 94111  
22 Telephone: (415) 591-1000  
Facsimile: (415) 591-1400  
23 E-Mail: jfife@winston.com

24 EVAN R. MOSES (SBN 198099)  
25 AUDREY SHEN CHUI (SBN 254510)  
WINSTON & STRAWN LLP  
26 333 S. Grand Avenue, Suite 3800  
Los Angeles, CA 90071-1543  
27 Telephone: (213) 615-1700  
Facsimile: (213) 615-1750  
28 Email: evmoses@winston.com

1 Email: achui@winston.com

2 Attorneys for Defendant WELLS FARGO BANK, N.A.

3  
4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

6  
7 MONTE RUSSELL and DANIEL  
8 FRIEDMAN, on behalf of themselves and  
9 others similarly situated,

10 Plaintiffs,

11 v.

12 WELLS FARGO AND COMPANY and  
13 WELLS FARGO BANK, N.A.,

14 Defendants.

CASE NO: C 07 3993 CW

JUDGE CLAUDIA WILKEN  
COURTROOM 2

**STIPULATION RE:  
TRANSFER OF RICHARD RODNEY  
TUCKER;  
~~PROPOSED~~ ORDER  
APPROVING TRANSFER**

14 MARTIN LEWIS, AARON COOPER, and  
15 ANISSA SCHILLING, on behalf of themselves  
16 and a class of those similarly situated,

17 Plaintiffs,

18 v.

19 WELLS FARGO & CO.,

20 Defendant.

CASE NO. C 08-02670 CW

21 Plaintiffs Monte Russell and Daniel Friedman (“*Russell* Plaintiffs”) and Defendants  
22 Wells Fargo Bank, N.A., and Wells Fargo & Company, who are parties in *Russell, et al. v.*  
23 *Wells Fargo & Co., et al.*, Case No. C-07-3993 CW (N.D. Cal.) (“*Russell*”), and Plaintiffs  
24 Martin Lewis, Aaron Cooper, and Anissa Schilling (“*Lewis* Plaintiffs”) and Defendant Wells  
25 Fargo & Co., who are parties in *Lewis, et al. v. Wells Fargo & Co.*, Case No. C 08-02670 CW,  
26 through their respective counsel, hereby stipulate as follows:

27 WHEREAS, this Court deemed the *Russell* and *Lewis* lawsuits as related pursuant to  
28 Local Rule 3-12 by way of Order dated June 11, 2008 (*Russell* Docket No. 28);

1           WHEREAS, Richard Rodney Tucker signed a document entitled Consent to Join the  
2 FLSA Collective Action (“Consent Form”), thereby giving his consent to become a party  
3 plaintiff in the *Russell* action;

4           WHEREAS, on October 2, 2008, Plaintiffs’ counsel in *Russell* filed a Notice of Filing  
5 Consent to Become a Party Plaintiff, which included Mr. Tucker’s Consent Form (“Notice”)  
6 (*Russell* Docket No. 65);

7           WHEREAS, counsel for *Russell* Plaintiffs, *Lewis* Plaintiffs and Defendants subsequently  
8 learned that Mr. Tucker worked for Defendants as a Network Analyst 2 from on or about July 1,  
9 2006, to on or about November 25, 2006, and therefore does not satisfy the definition of the  
10 class conditionally certified in the *Russell* action, but does satisfy the definition of the class  
11 conditionally certified in the *Lewis* case;

12           WHEREAS, all parties agree to the transfer of Mr. Tucker’s Consent Form from the  
13 *Russell* action to the *Lewis* action with the effective opt-in date of October 2, 2008;

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

16           1.       Richard Rodney Tucker’s October 2, 2008 Consent to Join the FLSA Collective  
17 Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;

18           2.       Mr. Tucker is no longer a party plaintiff to the *Russell* action;

19           3.       Mr. Tucker’s rights shall be determined as though he never signed a Consent  
20 Form in the *Russell* matter;

21           4.       Instead, Mr. Tucker’s rights shall be determined as though he signed and caused  
22 to be filed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

23  
24  
25  
26  
27  
28

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

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

DATED: June 3, 2010

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

Attorneys for Plaintiffs MONTE RUSSELL AND DANIEL FRIEDMAN

**LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
KELLY M. DERMODY  
JAHAN C. SAGAFI**

DATED: June 3, 2010

By:  /s/ Jahan C. Sagafi  
JAHAN C. SAGAFI

Attorneys for *Lewis* Plaintiffs

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

DATED: June 3, 2010

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

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

**WINSTON & STRAWN LLP  
JOAN B. TUCKER FIFE  
EVAN R. MOSES  
AUDREY SHEN CHUI**

DATED: June 3, 2010

By:  /s/ Joan B. Tucker Fife

Attorneys for Defendant WELLS FARGO & COMPANY

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

**PROPOSED ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- 1. Richard Rodney Tucker’s October 2, 2008 Consent to Join the FLSA Collective Action is hereby withdrawn from the *Russell* matter and transferred to the *Lewis* matter;
- 2. Mr. Tucker is no longer a party plaintiff to the *Russell* action;
- 3. Mr. Tucker’s rights shall be determined as though he never signed a Consent Form in the *Russell* matter;
- 4. Mr. Tucker’s rights shall be determined as though he signed a Consent Form in the *Lewis* matter with an opt-in date of October 2, 2008.

Dated: **September 8** \_\_, 2010



THE HONORABLE CLAUDIA WILKEN  
DISTRICT COURT JUDGE