

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 Plaintiff

7 MONTE RUSSELL

8 GLENN L. BRIGGS (SB# 174497)

Email: gbriggs@hbwillp.com

9 THERESA A. KADING (SB# 211469)

Email: tkading@hbwillp.com

10 HODEL BRIGGS WINTER LLP

8105 Irvine Center Drive, Suite 1400

11 Irvine, CA 92618

12 Telephone: (949) 450-8040

Facsimile: (949) 450-8033

13 Attorneys for Defendant

14 WELLS FARGO BANK, N.A. (ERRONEOUSLY SUED

15 HEREIN AS WELLS FARGO & COMPANY)

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

18 MONTE RUSSELL, on behalf of  
19 himself 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

**STIPULATION RE EXTENSION  
OF BRIEFING SCHEDULE ON  
PLAINTIFF'S MOTION TO  
STRIKE OR INVALIDATE RULE  
68 OFFERS; ~~PROPOSED~~ ORDER  
APPROVING EXTENSION**

24  
25  
26 Plaintiff Monte Russell ("Plaintiff") and Defendant Wells Fargo Bank, N.A.  
27 (erroneously sued herein as Wells Fargo & Company) ("Defendant"), through their  
28 respective counsel, pursuant to Local Rule 6-2, hereby stipulate as follows:

34353\_1.doc

1           WHEREAS, on September 11, 2008, Plaintiff filed a Notice of Motion and  
2 Motion to Strike or Otherwise Invalidate Defendant’s Rule 68 Offers of Judgment  
3 (“Motion”);

4  
5           WHEREAS, on September 30, 2008, Plaintiff filed an Amended Notice of  
6 Motion and Motion to Strike or Otherwise Invalidate Defendant’s Rule 68 Offers of  
7 Judgment, setting the hearing date on the Motion for December 11, 2008;

8  
9           WHEREAS, Defendant’s response to the Motion is due on Thursday,  
10 November 20, 2008;

11  
12           WHEREAS, the parties have resumed and been engaging in extensive and  
13 thorough settlement negotiations since September 2008 and have halted discovery  
14 and other litigation pending settlement negotiations; and

15  
16           WHEREAS, the parties wish to conserve their and the Court’s resources in  
17 the event that a settlement is reached.

18  
19           NOW, THEREFORE, through their respective counsel, THE PARTIES  
20 HEREBY STIPULATE AS FOLLOWS:

21  
22           1.     The hearing on Plaintiff’s Motion is continued from December 11,  
23 2008, to January 8, 2009, at 2 p.m. The parties request that the January 8, 2009  
24 hearing also be used as a status conference in the event settlement is not reached.

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

2. The deadline for Defendant to file a response to Plaintiff's Motion shall be measured from the continued hearing date.

DATED: November 20, 2008 LARSON KING, LLP  
T. JOSEPH SNODGRASS  
KELLY A. SWANSON

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

Attorneys for Plaintiff  
MONTE RUSSELL

DATED: November 20, 2008 HODEL BRIGGS WINTER LLP  
GLENN L. BRIGGS  
THERESA A. KADING

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

Attorneys for Defendant  
WELLS FARGO BANK, N.A.

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

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

11/25  
Dated: \_\_\_\_\_, 2008



\_\_\_\_\_  
CLAUDIA WILKEN  
DISTRICT COURT JUDGE

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

**PROOF OF SERVICE**

UNITED STATES DISTRICT COURT )  
 ) ss:  
COUNTY OF ORANGE )

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618. On this date I served the following documents:

**STIPULATION RE EXTENSION OF BRIEFING  
SCHEDULE ON PLAINTIFF’S MOTION TO  
STRIKE OR INVALIDATE RULE 68 OFFERS;  
[PROPOSED] ORDER APPROVING EXTENSION**

On the parties shown below:

William M. Audet  
Adel A. Nadji  
AUDET & PARTNERS, LLP  
221 Main Street, Suite 1460  
San Francisco, California 94105  
Telephone: (415) 568-2555  
Facsimile: (415) 568-2556

T. Joseph Snodgrass  
Kelly A. Swanson  
LARSON KING, LLP  
2800 Wells Fargo Place  
30 East 7<sup>th</sup> Street  
St. Paul, Minnesota 55101  
Telephone: (651) 312-6500  
Facsimile: (651) 312-6619

- (BY ELECTRONIC FILING): on this date I provided the document(s) listed above electronically through the Court’s electronic filing service provider pursuant to the instructions on that website.
- Federal: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made:

Executed on November 20, 2008, at Irvine, California.

*/s/ Valerie A. Beechler*  
\_\_\_\_\_  
**Valerie A. Beechler**