

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  
 7 MONTE RUSSELL and DANIEL FRIEDMAN

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  
 Telephone: (949) 450-8040  
 12 Facsimile: (949) 450-8033

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 AND COMPANY  
 23 and WELLS FARGO BANK, N.A.,

24 Defendants.

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN  
 COURTROOM 2

**STIPULATION RE  
 WITHDRAWAL OF CONSENT OF  
 SUSANNE MAGILL TO BECOME  
 A PARTY PLAINTIFF;  
~~PROPOSED~~ 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  
 28 their respective counsel, hereby stipulate as follows:

1           WHEREAS, Susanne Magill, a putative collective action member, received  
2 notice of this action pursuant to this Court’s order dated September 3, 2008, and  
3 signed a document entitled Consent to Join the FLSA Collective Action (“Consent  
4 Form”) on October 5, 2008, thereby giving her consent to become a party plaintiff  
5 in this action;

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

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11           WHEREAS, Susanne Magill wishes to withdraw her Consent Form; and

12  
13           WHEREAS, Defendants agree to the withdrawal of Ms. Magill’s Consent  
14 Form;

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16           NOW, THEREFORE, through their respective counsel, THE PARTIES  
17 HEREBY STIPULATE AS FOLLOWS:

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19           1.     Susanne Magill’s Consent to Join the FLSA Collective Action is  
20 hereby withdrawn;

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22           2.     Ms. Magill is no longer a party plaintiff to this action;



**ORDER**

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PURSUANT TO STIPULATION, IT IS SO ORDERED that:

- 1. Susanne Magill’s Consent to Join the FLSA Collective Action is hereby withdrawn;
- 2. Ms. Magill is no longer a party plaintiff to this action;
- 3. Ms. Magill’s rights shall be determined as though she never signed the Consent Form.

Dated: 12/12 \_\_\_\_\_, 2008\_\_



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CLAUDIA WILKEN  
DISTRICT COURT JUDGE

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**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) 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 WITHDRAWAL OF CONSENT OF SUSANNE  
MAGILL TO BECOME A PARTY PLAINTIFF; [PROPOSED] ORDER  
APPROVING WITHDRAWAL**

on the parties shown below:

William M. Audet (State Bar No. 117456)	T. Joseph Snodgrass (Pro Hac Vice pending)
Adel A. Nadji (State Bar No. 232599)	Kelly A. Swanson (Pro Hac Vice pending)
AUDET & PARTNERS, LLP	LARSON KING, LLP
221 Main Street, Suite 1460	2800 Wells Fargo Place
San Francisco, California 94105	30 East 7 <sup>th</sup> Street
<a href="mailto:ANadji@audetlaw.com">ANadji@audetlaw.com</a>	St. Paul, Minnesota 55101
Telephone: (415) 568-2555	Telephone: (651) 312-6500
Facsimile: (415) 568-2556	Facsimile: (651) 312-6619

- BY ELECTRONIC MAIL WHERE INDICATED:**  
Pursuant to C.R.C. 2060, I served the foregoing document described by emailing to it each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error.
- I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 9, 2008, at Irvine, California.

/s/Valerie Beechler  
Valerie Beechler