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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, 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**

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 26 Plaintiff Monte Russell (“Plaintiff”) and Defendants Wells Fargo Bank, N.A.  
 27 and Wells Fargo & Company (“Defendants”), through their respective counsel,  
 28 pursuant to Local Rule 6-2, hereby stipulate as follows:

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”);

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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;

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9           WHEREAS, on November 20, 2008 this Court approved the parties’  
10 stipulation seeking a continuation of the hearing date to January 8, 2009;

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12           WHEREAS, on December 23, 2008, this Court approved the parties’  
13 stipulation seeking a continuation of the hearing date to February 19, 2009;

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15           WHEREAS, Defendants’ response to the Motion is due on Thursday,  
16 January 29, 2009;

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18           WHEREAS, the parties are continuing to engage in extensive and thorough  
19 settlement negotiations and have halted discovery and other litigation pending  
20 settlement negotiations; and

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

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25           NOW, THEREFORE, through their respective counsel, THE PARTIES  
26 HEREBY STIPULATE AS FOLLOWS:

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1           1.       The hearing on Plaintiff's Motion is continued from February 19,  
2 2009, to March 5, 2009, at 2 p.m.

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

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7       DATED: January 28, 2009       LARSON KING, LLP  
8    T. JOSEPH SNODGRASS  
9    KELLY A. SWANSON

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

12   Attorneys for Plaintiff  
13   MONTE RUSSELL

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15       DATED: January 28, 2009       HODEL BRIGGS WINTER LLP  
16   GLENN L. BRIGGS  
17   THERESA A. KADING

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

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

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/30, 2009



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CLAUDIA WILKEN  
DISTRICT COURT JUDGE