1	[Counsel for Parties listed on signature pages]			
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8	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
9	SAN FRANCISCO/OAKLAND DIVISION			
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11 12	MARTIN LEWIS and AARON COOPER, on behalf of themselves and a class of those similarly situated,	Case No. 08-cv-2670 CW		
13	Plaintiffs,	STIPULATION AND ORDER RE		
14	v.	CASE SCHEDULE		
15	WELLS FARGO & CO.,			
16	Defendant.			
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28		STIPULATION AND [PROPOSED] ORDER		
	782616.5	RE CASE SCHEDULE		

1	This Stipulation is entered into by and between Martin Lewis and Aaron Cooper
2	("Plaintiffs"), by and through their undersigned counsel, and Wells Fargo Bank, N.A. (the
3	"Company"), by and through its undersigned counsel. Plaintiffs and the Company are
4	collectively referred to herein as the "Parties."
5	RECITALS
6	WHEREAS, the Court held an initial case management conference on September 16,
7	2008, at which the Court ordered the parties to meet and confer regarding a pretrial schedule; and
8	WHEREAS, the Court ordered the parties to hold a mediation within 90 days;
9	WHEREAS, based on counsel's schedules, the parties have agreed to propose accelerating
10	the Conditional Collective Action Certification briefing and hearing schedule (§ 2, below) two
11	weeks earlier;
12	WHEREAS, Defendant believes that mediation in December is unlikely to be fruitful
13	because it cannot produce documents and make deponents available in time for briefing to be
14	submitted to the mediator by mid-December, and has committed to making best efforts to produce
15	such documents and make such deponents available sufficiently in advance of the December
16	holidays to make mediation on January 13, 2009 fruitful;
17	WHEREAS, the Parties have scheduled mediation for January 13, 2009;
18	WHEREAS, in view of the factors set forth above, the Parties have advanced the dates set
19	forth in the Court's September 23, 2008 Minute Order by approximately 1-2 weeks each (with the
20	exception of the mediation date, which is postponed by approximately 4 weeks), resulting in the
21	schedule provided below, which the parties respectfully request the Court to confirm;
22	THEREFORE, the Parties stipulate and agree as follows:
23	STIPULATION AND AGREEMENT
24	1. The parties shall adhere to the following schedule (hearings are in bold):
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¹ The Company maintains that Wells Fargo & Co. is not a proper defendant, and that Plaintiffs should amend their Complaint to replace Wells Fargo & Co. with Wells Fargo Bank, N.A. The Company will provide documentation to confirm the propriety of such an amendment shortly.

1	1. Private mediation		
2	January 13, 2009	Date of private mediation	
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4	2. Plaintiffs' Motion for Conditional Collective Action Certification		
5	January 22, 2009	Motion	
	February 5, 2009	Opposition	
6	February 12, 2009	Reply	
7	February 26, 2009, 2:00 p.m.	Hearing	
8	March 12, 2009	Expected issuance of order	
9	April 9, 2009	Notice to be sent out (if motion is granted)	
10	June 23, 2009	Close of opt-in period (if motion is granted)	
11			
12	3. Plaintiffs' Amended Compl	<u>aint</u>	
	July 23, 2009	Filing of stipulation or motion for leave to amend	
13		(Deadline to add parties or claims)	
14			
15	4. Plaintiffs' Motion for Class Certification		
16	October 2, 2009	Motion	
17	November 6, 2009	Opposition	
18	November 25, 2009	Reply	
19	December 10, 2009, 2:00 p.m.	Hearing and case management conference	
20	5. Pretrial deadlines		
21	April 16, 2010	Completion of fact discovery	
22	July 15, 2010, 2:00 p.m.	Hearing on case-dispositive motions	
23	August 6, 2010	Disclosure of identities of expert witnesses	
24	September 15, 2010	Exchange of expert witness reports	
25	October 5, 2010	Completion of expert discovery	
	November 16, 2010, 2:00 p.m.	Final pretrial conference	
26	November 29, 2010, 8:30 a.m.	Commencement of 15-day trial ²	
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² Defendant contends the trial estimate is premature given the uncertain scope of the class (if any is certified) whose issues will be tried.

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3	Dated: September 25, 2008	By: <u>/s/ Jahan C. Sagafi</u>
4	, , , , , , , , , , , , , , , , , , ,	Jahan C. Sagafi
5 6		Kelly M. Dermody (Cal. Bar No. 171716) Jahan C. Sagafi (Cal. Bar No. 224887) LIEFF, CABRASER, HEIMANN &
7		BERNSTEIN, LLP 275 Battery Street, 30th Floor San Francisco, CA 94111-3339
8		Telephone: (415) 956-1000 Facsimile: (415) 956-1008
9		E-Mail: kdermody@lchb.com E-Mail: jsagafi@lchb.com
10		Richard C. Haber (admitted pro hac vice)
11		Laura L. Volpini (admitted <i>pro hac vice</i>) HABER POLK LLP Feton Contor, Suita 620
12		Eaton Center, Suite 620 1111 Superior Avenue Cleveland, Ohio 44114
13 14		Telephone: (216) 241-0700 Facsimile: (216) 241-0739
15		E-Mail: rhaber@haberpolk.com E-Mail: lvolpini@haberpolk.com
16		Attorneys for Plaintiffs and Class Members
17	Datad: Santambar 25, 2008	Ry: /s/Alison I Tego
18	Dated: September 25, 2008	By: <u>/s/ Alison L. Tsao</u> Alison L. Tsao
19		Timothy M. Freudenberger Alison L. Tsao
20		Kent J. Sprinkle CARLTON DISANTE & FREUDENBERGER LLP
21		601 Montgomery St., Suite 530 San Francisco, California 94111
22		Telephone: (415) 981-3233 Facsimile: (415) 981-3246
23		E-Mail: tfreud@cdflaborlaw.com E-Mail: atsao@cdflaborlaw.com
24		E-Mail: ksprinkle@cdflaborlaw.com
25		Attorneys for Defendant Wells Fargo & Co.
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1	<u>ORDER</u>	
2	The foregoing stipulation is approved, and IT IS SO ORDERED.	
3	This schedule supersedes the schedule set forth in the Court's Minute Order dated	
4	September 24, 2008.	
5	9/30/08 Chidielli	
6	Dated:, 2008	
7	Hon. Claudia Wilken United States District Judge	
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