

1 [Counsel for Parties listed on signature pages]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

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11 MARTIN LEWIS and AARON COOPER, on
12 behalf of themselves and a class of those similarly
13 situated,

Case No. 08-cv-2670 CW

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Plaintiffs,

**STIPULATION AND ORDER RE
CASE SCHEDULE**

14

v.

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WELLS FARGO & CO.,

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Defendant.

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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.¹ (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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27 ¹ The Company maintains that Wells Fargo & Co. is not a proper defendant, and that Plaintiffs
28 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.

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Dated: September 25, 2008

By: /s/ Jahan C. Sagafi
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ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

This schedule supersedes the schedule set forth in the Court's Minute Order dated September 24, 2008.

Dated: 9/30/08, 2008



Hon. Claudia Wilken
United States District Judge