

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTIN LEWIS, AARON COOPER, and
ANISSA SCHILLING, on behalf of
themselves and a class of those similarly
situated,

Plaintiffs,

v.

WELLS FARGO & CO.,

Defendant.

CASE NO. 08-cv-2670 CW

**STIPULATION AND [PROPOSED] ORDER
TO SHORTEN TIME FOR
CONSIDERATION AND RULING ON
SETTLEMENT ADMINISTRATOR'S
UNOPPOSED MOTION FOR ORDER
DIRECTING NOTICE TO OVERPAID OPT-
INS**

WHEREAS, the Settlement Administrator is concurrently filing an Unopposed Motion for Order Directing Overpaid Opt-Ins to Return Overpayment to the Settlement Fund ("Unopposed Motion for Order") which seeks an Order directing notice be sent to Opt-Ins who were overpaid due to the Settlement Administrator's error in misinterpreting of one of the multipliers set forth in the Settlement Agreement to be used to calculate Opt-In awards, and requesting the overpaid Opt-Ins return their overpayment to the Qualified Settlement Fund;

WHEREAS, Counsel for Defendant and Plaintiffs' Counsel do not oppose the relief sought in the Unopposed Motion for Order;

WHEREAS, should the Court hold a hearing on regular notice, the next available hearing date is October 20, 2011;

WHEREAS, the parties agree that it would further the proper and efficient administration of justice in this case for an Order on the Settlement Administrator's Unopposed Motion for Order to be entered as soon as is practicable;

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1 WHEREAS, the parties further agree that, subject to the Court's approval, the Unopposed
2 Motion for Order may be decided on the papers without hearing;

3 WHEREAS, payment to the underpaid Opt-Ins will be made after the hearing on this
4 motion, if the time for hearing on the motion is shortened, and/or the Court rules without hearing,
5 the underpaid Opt-Ins will receive the additional monies to which they are entitled earlier than if
6 the matter is heard on regular notice;

7 NOW THEREFORE, IT IS HEREBY STIPULTED by the undersigned counsel on behalf
8 of the parties identified below, and subject to the Court's approval, that they agree that the
9 Unopposed Motion for Order may be decided on the papers without hearing.

10 Dated: September 15, 2011

11 By: /s/ Jennifer Rappoport
Jennifer Rappoport
WINSTON & STRAWN LLP
12 Counsel for Defendant Wells Fargo

13 By: /s/ Jahan Sagafi
Jahan Sagafi
14 LIEFF, CABRASER, HEIMANN &
15 BERNSTEIN, LLP
Counsel for Plaintiffs

16 By: /s/ Thomas A. Warren
17 Thomas A. Warren
18 SETTLEMENT SERVICES, INC.
Settlement Administrator


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20 I, Jennifer Rappoport, hereby attest, pursuant to N.D. Cal. General Order No. 45, that the
21 concurrence to the filing of this document has been obtained from each signatory hereto.

22 /s/ Jennifer Rappoport
Jennifer Rappoport
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1 The Settlement Administrator's Unopposed Motion for Order shall be decided on the
2 papers without a hearing.

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4 **IT IS SO ORDERED.**

5 Dated: September 16, 2011

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The Honorable Claudia Wilken
United States District Judge
Northern District of California
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