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[Counsel for parties are listed on signature page]

**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,
vs.

WELLS FARGO & CO.,
Defendant.

Case No. CV-08-2670-CW

Judge: Hon. Claudia Wilken

**STIPULATION AND ORDER TO
SUBMIT DEFENDANT'S RULE 12
MOTION TO DISMISS, OR IN THE
ALTERNATIVE, MOTION FOR A
MORE DEFINITE STATEMENT ON
THE PAPERS WITHOUT A HEARING**

Date: April 2, 2009
Time: 2:00 p.m.
Ctrm.: 2, 4th Floor

Action Filed: May 28, 2008
Trial Date: None Set

1 **I. STIPULATION**

2 Whereas, on February 26, 2009, Defendant Wells Fargo Bank, N.A. filed its Motion to
3 Dismiss for Failure to State a Claim Pursuant to FRCP 12(b)(6), or, In the Alternative, For A More
4 Definite Statement Pursuant to FRCP 12(e), setting the hearing date for April 2, 2009 at 2:00 p.m.
5 before this Court in accordance with all applicable federal and local rules.

6 Whereas, Plaintiffs advised Defendant that Plaintiffs' counsel is unavailable to attend the
7 hearing regarding the above motion on April 2, 2009. Plaintiffs proposed continuing the hearing to
8 April 9, 2009, April 16, 2009, or April 23, 2009. Defendant's counsel is not available on April 9 or
9 April 16, and would like to have the Motion resolved as soon as possible given the parties' ongoing
10 discovery dispute.

11 Accordingly, the parties, through their respective counsel of record, hereby stipulate and
12 agree to decline oral argument on Defendant's Rule 12 Motion and submit on the papers for the
13 reasons set forth above.

14 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

15 DATED: March 5, 2009

/S/ - Jahan C. Sagafi

Jahan C. Sagafi

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23 DATED: March 5, 2009

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ORDER

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

DATED: 3/9/09



Hon. Claudia Wilken
UNITED STATES DISTRICT JUDGE