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8 Attorneys for Defendants
 JOHN G. STUMPF, PHILIP J. QUIGLEY,
 9 JOHN S. CHEN, LLOYD H. DEAN, SUSAN E.
 ENGEL, ENRIQUE HERNANDEZ, JR.,
 10 RICHARD D. McCORMICK, CYNTHIA H.
 MULLIGAN, NICHOLAS G. MOORE,
 11 DONALD B. RICE, JUDITH M. RUNSTAD,
 STEPHEN W. SANGER, and SUSAN G.
 12 SWENSON

HOWARD
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 & RABKIN
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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

17 J.N. FEUER, Derivatively on Behalf of
 18 WELLS FARGO & COMPANY and its
 Shareholders and "Double Derivatively" on
 19 Behalf of WACHOVIA CORPORATION,

20 Plaintiff,

21 v.

22 G. KENNEDY THOMPSON; THOMAS J.
 WURTZ; HERBERT SANDLER; MARION
 23 SANDLER; JOHN T. CASTEEN, III;
 JOSEPH NEUBAUER; MARYELLEN C.
 24 HERRINGER; TIMOTHY D. PROCTOR;
 VAN L. RICHEY; DONA DAVIS YOUNG;
 25 ERNEST S. RADY; JERRY GITT; JOHN D.
 BAKER, II; PETER C. BROWNING;
 26 DONALD M. JAMES; JOHN C.
 WHITTAKER, JR.; WILLIAM H.
 27 GOODWIN, JR.; ROBERT A. INGRAM;
 MACKEY J. MCDONALD; RUTH G.
 28 SHAW; LANTY L. SMITH; JOHN S.

No. 10-cv-00279 PJH

Action Filed: January 20, 2010

STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME FOR
 DEFENDANTS TO RESPOND TO
AMENDED COMPLAINT

1 CHEN; LLOYD H. DEAN; SUSAN E.
2 ENGEL; ENRIQUE HERNANDEZ, JR.;
3 RICHARD D. MCCORMICK; CYNTHIA H.
4 MULLIGAN; NICHOLAS G. MOORE;
5 PHILIP J. QUIGLEY; DONALD B. RICE;
6 JUDITH M. RUNSTAD; STEPHEN W.
7 SANGER; ROBERT K. STEEL; JOHN G.
8 STUMPF; and SUSAN G. SWENSEN,

9 Defendants,

10 and

11 WELLS FARGO & COMPANY,

12 Nominal Defendant.

13 WHEREAS, Plaintiff filed the complaint on January 10, 2010;

14 WHEREAS, in a stipulation filed on March 11, 2010, Plaintiff's counsel represented
15 that they intended to file an amended complaint and agreed that no response to the existing
16 complaint would be required earlier than thirty (30) days after the filing of such amended
17 complaint;

18 WHEREAS, Plaintiff filed the amended complaint on April 21, 2010 and counsel have
19 been working diligently to obtain consent to accept service on behalf of the thirty-six (36)
20 named parties; and

21 WHEREAS, as reflected in the signature blocks below, counsel for thirty-two (32) of
22 the thirty-five (35) individual defendants and counsel for nominal defendant Wells Fargo &
23 Company have accepted service of the amended complaint or are authorized to accept
24 service, and efforts are underway to find legal representation for the remaining three (3)
25 individual defendants;

26 WHEREAS, in the interests of judicial economy and in order to avoid unnecessary
27 legal expenses and potentially duplicative motion practice, the parties have agreed that all
28 defendants should have one coordinated date to respond to the amended complaint;

THEREFORE, these parties, by and through their undersigned counsel of record,
hereby agree and stipulate to the following:

- 1 1. All defendants shall have until July 16, 2010 to answer, move or otherwise respond
2 to the amended complaint.
- 3 2. To the extent any defendant moves against the amended complaint by motion to
4 dismiss, motion for summary judgment or otherwise, the parties shall meet and
5 confer and determine an appropriate briefing and hearing schedule, subject to the
6 Court's approval.
- 7 3. To the extent that any defendant raises any issue of fact in any motion addressed to
8 the amended complaint, plaintiff reserves the right to seek appropriate discovery
9 with respect thereto, and defendants reserve the right to oppose any such discovery,
10 including any discovery propounded prior to the Court's determination of plaintiff's
11 standing to sue.
- 12 4. This Stipulation is without prejudice to any objections or defenses that any
13 defendant may have to the amended complaint, or to plaintiff's standing to assert
14 any or all of the claims set forth therein.

15
16 IT IS SO STIPULATED.

17 DATED: May 21, 2010.

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18
19
20
21
22 By: /s/ Sarah A. Good
SARAH A. GOOD

23
24 Attorneys for Defendant
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25 ENGEL, ENRIQUE HERNANDEZ, JR.,
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26 MULLIGAN, NICHOLAS G. MOORE, PHILIP J.
QUIGLEY, DONALD B. RICE, JUDITH M.
27 RUNSTAD, STEPHEN W. SANGER, JOHN G.
STUMPF, and SUSAN G. SWENSON

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1 DATED: May 21, 2010.

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200 Park Avenue
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3
4 REBECCA JUSTICE LAZARUS
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5 San Francisco, CA 94105-2933

6
7 By: /s/ Rebecca Justice Lazarus
REBECCA JUSTICE LAZAZRUS

8 Attorneys for Defendants
9 JOHN T. CASTEEN, MARYELLEN C.
HERRINGER, JOSEPH NEUBAUER, TIMOTHY
10 D. PROCTOR, VAN L. RICHEY, DONA DAVIS
YOUNG, ERNEST S. RADY, JERRY GITT,
11 JOHN D. BAKER, II, PETER C. BROWNING,
DONALD M. JAMES, JOHN C. WHITAKER, JR.,
12 WILLIAM H. GOODWIN, ROBERT A.
INGRAM, MACKKEY J. McDONALD, RUTH G.
13 SHAW and LANTY L. SMITH

14 DATED: May 21, 2010.

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16
17 By: /s/ Jerome C. Roth
JEROME C. ROTH

18 Attorneys for Defendants
19 HERBERT AND MARION SANDLER

20 DATED: May 21, 2010.

21 THOMAS O. JACOB
OFFICE OF GENERAL COUNSEL
WELLS FARGO & COMPANY
22 45 Fremont Street, 26th Floor
San Francisco, CA 94105

23
24 By: /s/ Thomas O. Jacob
THOMAS O. JACOB

25 Attorneys for Nominal Defendant
26 WELLS FARGO & COMPANY
27
28

1 DATED: May 21, 2010.

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4 JAMES E. MILLER
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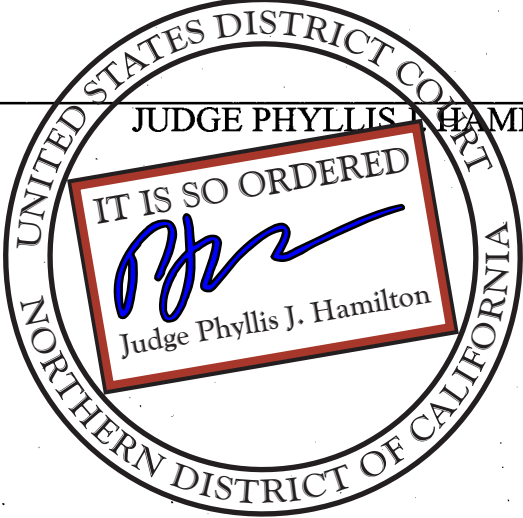
10 By: /s/Richard D. Greenfield
RICHARD D. GREENFIELD

11 Attorneys for Plaintiff
12 J.N. FEUER

13
14 PURSUANT TO STIPULATION, IT IS SO ORDERED.

15 DATED: June 1, 2010.

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17 JUDGE PHYLLIS J. HAMILTON
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RICE
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1 **PROOF OF SERVICE**

2 I, Bonnie Hastings, declare:

3 I am a resident of the State of California and over the age of eighteen years and not a party to
4 the within-entitled action; my business address is Three Embarcadero Center, Seventh Floor, San
5 Francisco, California 94111-4024. On May 21, 2010, I served the following document(s) described
6 as **STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR DEFENDANTS**
7 **TO RESPOND TO AMENDED COMPLAINT:**

8 by transmitting via facsimile the document(s) listed above to the fax number(s) set
9 forth below on this date before 5:00 p.m.

10 by placing the document(s) listed above in a sealed envelope with postage thereon fully
11 prepaid, in the United States mail at San Francisco, California addressed as set forth
12 below.

13 by transmitting via email the document(s) listed above to the email address(es) set forth
14 below on this date before 5:00 p.m.

15 by placing the document(s) listed above in a sealed Federal Express envelope and
16 affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal
17 Express agent for delivery.

18 by personally delivering the document(s) listed above to the person(s) at the
19 address(es) set forth below.

20 JONATHAN C. DICKEY
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22 200 Park Avenue
23 New York, NY 10166-0193

24 REBECCA JUSTICE LAZARUS
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RICHEY, DONA DAVIS YOUNG,
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D. BAKER, II, PETER C. BROWNING,
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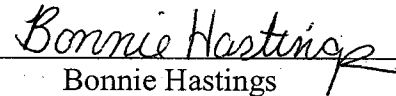
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6 Attorneys for Nominal Defendant
7 WELLS FARGO & COMPANY

Attorneys for Defendants
HERBERT AND MARION SANDLER

8 I am readily familiar with the firm's practice of collection and processing correspondence for
9 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day
10 with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of
11 the party served, service is presumed invalid if postal cancellation date or postage meter date is more
12 than one day after date of deposit for mailing in affidavit.

13 I declare under penalty of perjury under the laws of the State of California that the foregoing is
14 true and correct. Executed at San Francisco, California on May 21, 2010.

15 
16 _____
17 Bonnie Hastings

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