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 MULLIGAN, NICHOLAS G. MOORE,
 11 DONALD B. RICE, JUDITH M. RUNSTAD,
 STEPHEN W. SANGER, and SUSAN G.
 12 SWENSON

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 AND
 ESTABLISHING BRIEFING AND
HEARING SCHEDULE FOR MOTIONS

HOWARD
 RICE
 NEMEROVSKI
 CANADY
 FALK
 & RABKIN
 A Professional Corporation

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 J.N. Feuer died on May 11, 2010 and plaintiff's counsel so
14 informed counsel for defendants and this Court during the Case Management Conference in
15 this action held on June 24, 2010;

16 WHEREAS, on August 17, 2010, the Tippecanoe Circuit Court in Indiana entered an
17 Order Probating Will and Authorizing Issuance of Letters Testamentary and for Supervised
18 Administration ("Probate Court Order");

19 WHEREAS, on the basis of the Probate Court Order, plaintiff's counsel has indicated
20 an intent to file shortly with this Court a motion by one of the three co-personal
21 representatives of the Estate of J. N. Feuer to be substituted as a plaintiff in this action under
22 Federal Rule of Civil Procedure 25(a)(1);

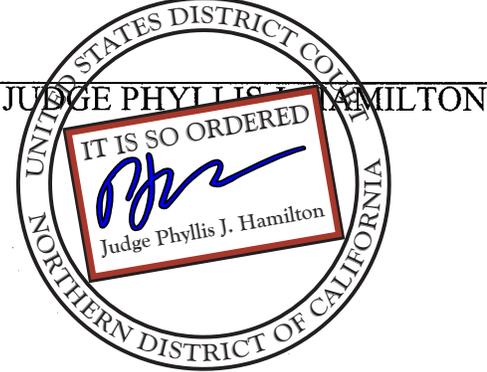
23 WHEREAS, on July 14, 2010, the parties submitted a Stipulation and [Proposed]
24 Order Extending Time for Defendants to Respond to Amended Complaint and Establishing
25 Briefing and Hearing Schedule for Motions which was entered by the Court on July 15, 2010
26 and calls for defendants to answer, move or otherwise respond to the amended complaint by
27 September 17, 2010;

28 WHEREAS, in light of the fact that plaintiff's counsel intends to file a motion for
substitution shortly, the parties believe that the current briefing and hearing schedule for
responding to the amended complaint should be adjusted;

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: September 9, 2010.



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& RABKIN
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