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10 Attorneys for Substituted Plaintiff,
 11 R. A. Feuer

12 (Additional Plaintiff's and Defense Counsel Appear on Signature Page)

13 **IN THE UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 J. N. FEUER, Derivatively on Behalf of) WELLS FARGO & COMPANY and its) 16 Shareholders and "Double Derivatively" on) Behalf of WACHOVIA CORPORATION,) 17) Plaintiff,) 18) v.) 19) G. KENNEDY THOMPSON; et al.,) 20) Defendants,) 21) and) 22) WELLS FARGO & COMPANY,) 23) Nominal Defendant.) 24)	CIVIL ACTION NO. C 10-0279 PJH STIPULATION AND [PROPOSED] ORDER REGARDING AMENDED BRIEFING SCHEDULE FOR MOTIONS TO DISMISS <hr/>
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1 WHEREAS, Plaintiff, J.N. Feuer, filed the Complaint on January 10, 2010;
2 WHEREAS, Plaintiff filed the Amended Complaint on April 21, 2010;
3 WHEREAS, on July 14, 2010, the parties submitted a Stipulation and [Proposed]
4 Order Extending Time for Defendants to Respond to Amended Complaint and Establishing
5 Briefing and Hearing Schedule for Motions, which was entered by the Court on July 15,
6 2010 and calls for Defendants to answer, move or otherwise respond to the Amended
7 Complaint by September 17, 2010;

8 WHEREAS, in light of the death of Plaintiff, J.N. Feuer, and the impending motion
9 for substitution to be filed by Plaintiff's counsel, the parties agreed that the operative
10 briefing and hearing schedule for responding to the Amended Complaint should be adjusted
11 and, accordingly, thereby submitted a further Stipulation and [Proposed] Order Extending
12 Time for Defendants to Respond to Amended Complaint and Establishing Briefing and
13 Hearing Schedule for Motions, which was entered by the Court on September 9, 2010 and
14 calls for Defendants to answer, move or otherwise respond to the Amended Complaint by
15 October 15, 2010, for Plaintiff to file his opposition to any motions on or before December
16 17, 2010, for Defendants to file any reply briefs on or before January 21, 2010, and for the
17 hearing on any such motions to take place on February 16, 2010 at 9:00 a.m.;

18 WHEREAS, on October 14, 2010, Plaintiff's counsel filed the unopposed Motion of
19 R.A. Feuer Seeking to be Substituted as Plaintiff, which the Court granted on November 9,
20 2010;

21 WHEREAS, on October 15, 2010, Defendants filed three (3) Motions to Dismiss on
22 behalf of, respectively, the Wells Fargo Director Defendants, the Wachovia Director
23 Defendants, and Defendants Thompson, Steel, and Wurtz;

24 WHEREAS, Plaintiff's opposition to Defendants' Motions to Dismiss are due on
25 December 17, 2010;

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1 WHEREAS, the parties have met and conferred and agreed on a revised briefing
2 schedule for Defendants' Motions to Dismiss in order to accommodate the scheduling needs
3 of counsel;

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

- 6 1. Plaintiff shall have until January 7, 2011 to file his opposition to the Motions to
7 Dismiss filed by Defendants;
- 8 2. Defendants shall file any reply briefs on or before February 2, 2011; and
- 9 3. The hearing on Defendants' Motions to Dismiss shall remain on February 16,
10 2011 at 9:00 a.m.

11 IT IS SO STIPULATED.

12 Dated: December 10, 2010

/s/ Rose F. Luzon

ROSE F. LUZON

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1 I, Rose F. Luzon, am the ECF user whose ID and password are being used to file
2 this STIPULATION AND [PROPOSED] ORDER REGARDING AMENDED BRIEFING
3 SCHEDULE FOR MOTIONS TO DISMISS. In compliance with General Order 45,
4 section X.B., I hereby attest that I have on file the concurrences for any signatures indicated
5 by a “conformed” (/s/) within this e-filed document.

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DATED: December 10, 2010. /s/ Rose F. Luzon
ROSE F. LUZON

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/13/10

JUDGE PHYLLIS J. HAMILTON
