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Attorneys for Defendant Wells Fargo & Company

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

DANIEL CALL, on behalf of himself and all
others similarly situated,

Plaintiff,
vs.

WELLS FARGO & COMPANY, a Delaware
corporation,

Defendant.

Case No. 11-CV-5215-CW

**STIPULATION REGARDING
APPOINTMENT OF INTERIM CLASS
COUNSEL UNDER FED. R. CIV. P 23(g),
AND ~~PROPOSED~~ ORDER**

1 Plaintiff Daniel Call (“Plaintiff”) and Defendant Wells Fargo & Company (“Defendant”), by and
2 through the undersigned attorneys, hereby agree and stipulate as follows:

3 Whereas the parties have conferred to discuss various procedural issues relating to the efficient
4 conduct of this litigation, including service of process, elimination of unnecessary parties and other
5 matters;

6 Whereas Fed. R. Civ. P. 23(g)(3) states that the “court may designate interim counsel to act on
7 behalf of a putative class before determining whether to certify the action as a class action”;

8 Whereas in the interest of the efficient conduct of this litigation, Defendant does not oppose
9 designation at this time of Girard Gibbs LLP to serve as interim counsel to act on behalf of the putative
10 class, while expressly reserving its right to oppose class certification on any grounds;

11 Whereas the parties are unaware of any other pending actions arising out of the redemption of
12 the Wells Fargo Capital Trust XIV Trust Preferred Securities (“TRUPs”), but note that multiple actions
13 have been filed with respect to the redemption of another trust preferred security issued by a different
14 trust (the redemption of Wachovia Capital Trust X TRUPs), and therefore note the possibility that
15 additional actions relating to Wells Fargo Capital Trust XIV TRUPs may be filed; and

16 Whereas Plaintiff submits with this stipulation the Declaration of Daniel C. Girard to provide the
17 court with a foundation under Fed. R. Civ. P. 23(g)(1) for determining that Girard Gibbs LLP is
18 qualified to serve as interim counsel on behalf of the putative Class of investors in Wells Fargo Capital
19 Trust XIV TRUPs (the declaration being submitted only by Plaintiff, with Defendant reserving the right
20 to contest the declaration’s assertions at a future date);

21 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned attorneys for
22 the parties, subject to the Court’s approval, that:

23 Pursuant to Fed. R. Civ. P 23(g)(2), the Court may appoint the law firm of Girard Gibbs LLP as
24 Interim Class Counsel to act on behalf of the putative class in this case and in any additional actions on
25 behalf of investors in Wells Fargo Capital Trust XIV TRUPs that might be consolidated with this case.

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1 **IT IS SO STIPULATED**

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3 DATED: January 9, 2012

GIRARD GIBBS LLP

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5 By: /s/ Daniel C. Girard
 Daniel C. Girard

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13 Attorneys for Individual and Representative
14 Plaintiff Daniel Call

15 DATED: January 9, 2012

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 Bruce A. Ericson

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24 Attorneys for Wells Fargo & Company
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1 **ORDER**

2 The Court has considered the above stipulation and the related Declaration of Daniel C. Girard.
3 Pursuant to Fed. R. Civ. P 23(g)(2), the Court finds that the law firm of Girard Gibbs LLP will
4 adequately represent the interests of the Class in pre-class certification proceedings and appoints Girard
5 Gibbs LLP as Interim Lead Class Counsel to act on behalf of the putative class in this case and in any
6 additional actions on behalf of investors in Wells Fargo Capital Trust XIV TRUPs that might be
7 consolidated with this case.

8 This order is without prejudice to the rights of Defendant to oppose class certification or
9 appointment of Girard Gibbs LLP as regular class counsel on any grounds, including adequacy of
10 representation under Fed. R. Civ. P 23(a) and (g).

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12 Date: 1/10/2012

13 
14 Judge Claudia Wilken

