

1 Robert C. Schubert (S.B.N. 62684)
 rschubert@schubertlawfirm.com
 2 Willem F. Jonckheer (S.B.N. 178748)
 wjonckheer@schubertlawfirm.com
 3 Jason A. Pikler (S.B.N. 245722)
 jpikler@schubertlawfirm.com
 4 **SCHUBERT JONCKHEER & KOLBE LLP**
 Three Embarcadero Center, Suite 1650
 5 San Francisco, California 94111
 Telephone: (415) 788-4220
 6 Facsimile: (415) 788-0161

Edwin C. Schreiber (S.B.N. 41066)
 ed@schreiberlawfirm.com
 Eric A. Schreiber (S.B.N. 194851)
 eric@schreiberlawfirm.com
SCHREIBER & SCHREIBER, INC.
 16501 Ventura Boulevard, Suite 401
 Encino, California 91436-2068
 Telephone: (818) 789-2577
 Facsimile: (818) 789-3391

7 Attorneys for Plaintiff James L. Turkle Trust
 [Additional Counsel on Signature Page]

8
 9 Bruce A. Ericson (State Bar No. 76342)
 bruce.ericson@pillsburylaw.com
 Jeffrey Jacobi (State Bar No. 252884)
 10 jeffrey.jacobi@pillsburylaw.com
PILLSBURY WINTHROP SHAW
 11 **PITTMAN LLP**
 50 Fremont Street
 12 San Francisco, CA 94105
 Telephone: (415) 983-1000
 13 Facsimile: (415) 983-1200

14 Attorneys for Defendant Wells Fargo &
 Company

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

19 JAMES L. TURKLE TRUST, individually
 20 and on behalf of all others similarly
 situated,

21 Plaintiff,

22 v.

23 WELLS FARGO & COMPANY, a
 24 Delaware Corporation,

25 Defendant.

Case No. C 11-06494-CW

**STIPULATION TO APPOINT INTERIM
 CLASS COUNSEL PURSUANT TO
 FED. R. CIV. P. 23(G)(3) AND
 [PROPOSED] ORDER**

1 Plaintiff James L. Turkle Trust (“Turkle Trust” or “Plaintiff”) and Defendant Wells Fargo
2 & Company (“Wells Fargo” or “Defendant”), by and through the undersigned attorneys, hereby
3 agree and stipulate as follows:

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

7 Whereas in the interest of the efficient conduct of this litigation, Defendant does not
8 oppose designation at this time of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber,
9 Inc. to serve as interim counsel to act on behalf of the putative class, while expressly reserving its
10 right to oppose class certification on any grounds;

11 Whereas a duplicative class action involving Wells Fargo’s redemption of Wachovia
12 Capital Trust X 7.85% Trust Preferred Securities (“Capital X TruPS”) was filed in the United
13 States District Court of the Central District of California on December 28, 2011 (*Gilberti v. Wells*
14 *Fargo & Company*, No. 11-10749-JFW);

15 Whereas the plaintiff in the Central District of California action, through his counsel
16 Schreiber & Schreiber, Inc., voluntarily dismissed the action on January 18, 2012, so as to
17 concentrate litigation involving the Capital X TruPS in a single judicial district;

18 Whereas the parties believe there is a possibility that additional actions relating to the
19 redemption of Capital X TruPS might be filed and that the appointment of interim class counsel
20 would help to ensure that the parties’ pre-certification litigation efforts are conducted efficiently;
21 and

22 Whereas Plaintiff submits with this stipulation the Declarations of Robert C. Schubert and
23 Edwin C. Schreiber, which provide the court with a foundation under Fed. R. Civ. P. 23(g)(1) for
24 determining that Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc., are qualified
25 to serve as interim counsel on behalf of the putative Class of investors in Capital X TruPS (the
26 declarations being submitted only by Plaintiff, with Defendant reserving the right to contest the
27 declarations’ assertions at a future date);
28

1 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned
2 attorneys for the parties, subject to the Court's approval, that:

3 Pursuant to Fed. R. Civ. P 23(g)(3), the Court may appoint the law firms of Schubert
4 Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as Interim Co-Lead Class Counsel to act
5 on behalf of the putative class in this case and in any additional actions on behalf of investors in
6 Capital X TruPS that might be consolidated with this case.

7 **IT IS SO STIPULATED.**

8 Dated: February 3, 2012

SCHUBERT JONCKHEER & KOLBE LLP

9 By: /s/ Robert C. Schubert
10 Robert C. Schubert
11 Willem F. Jonckheer
12 Jason A. Pikler
13 Three Embarcadero Center
14 Suite 1650
15 San Francisco, CA 94111
16 Telephone: (415) 788-4220
17 Facsimile: (415) 788-0161

SCHREIBER & SCHREIBER, INC.

18 Edwin C. Schreiber
19 Eric A. Schreiber
20 16501 Ventura Boulevard, Suite 401
21 Encino, California 91436-2068
22 Telephone: (818) 789-2577
23 Facsimile: (818) 789-3391

LAW OFFICE OF PETER A. LAGORIO

19 Peter A. Lagorio
20 63 Atlantic Avenue
21 Boston, Massachusetts 02110
22 Telephone: (617) 367-4200
23 Facsimile: (617) 227-3384

24 Attorneys for Plaintiff James L. Turkle Trust

25 Dated: February 3, 2012

PILLSBURY WINTHROP SHAW PITTMAN LLP

26 By: /s/ Bruce A. Ericson
27 Bruce A. Ericson
28 50 Fremont Street
San Francisco, CA 94105
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for Wells Fargo & Company

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I, Jason A. Pikler, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

By: /s/ Jason A. Pikler
Jason A. Pikler

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~~PROPOSED~~ ORDER

The Court has considered the above stipulation and the related Declarations of Robert C. Schubert and Edwin C. Schreiber. Pursuant to Fed. R. Civ. P 23(g), the Court finds that the law firms of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. will adequately and fairly represent the interests of the Class in pre-class certification proceedings. Accordingly, the Court hereby appoints Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as Interim Co-Lead Class Counsel to act on behalf of the putative class in this case and in any additional actions on behalf of investors in Wachovia Capital Trust X 7.85% Trust Preferred Securities (“Capital X TruPS”) that might be consolidated with this case.

This order is without prejudice to the rights of Defendant to oppose class certification or appointment of Schubert Jonckheer & Kolbe LLP and Schreiber & Schreiber, Inc. as regular class counsel on any grounds, including adequacy of representation under Fed. R. Civ. P 23(a) and (g).

IT IS SO ORDERED.

Date: 2/21/2012


The Honorable Claudia Wilken