

ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP

1 Robert A. Bailey (# 214688)
rbailey@afrc.com
2 Kenneth A. Franklin (# 143809)
kfranklin@afrc.com

3
4 ANGLIN, FLEWELLING, RASMUSSEN,
CAMPBELL & TRYTTEN LLP
199 South Los Robles Avenue, Suite 600
5 Pasadena, California 91101-2459
Telephone: (626) 535-1900
6 Facsimile: (626) 577-7764

7 Attorneys for Defendant
WELLS FARGO BANK, N.A., successor by
8 merger with Wells Fargo Bank Southwest, N.A.,
f/k/a Wachovia Mortgage, FSB, f/k/a World
9 Savings Bank, FSB (“Wells Fargo”)

10 Alex P. Zarcone
The McCann Law Group, LLP
11 P.O. Box 928158
San Diego, CA 92192
12 Tel: (619) 800-3082 | Fax: (858) 750-1049

13 Attorneys for Plaintiff
EDWARD LAWRENCE

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA (OAKLAND)

16
17 EDWARD LAWRENCE,
18 Plaintiff,
19 v.
20 WELLS FARGO BANK, N.A.,
21 Defendants.

CASE NO.: 4:14-CV-01272-PJH
[The Honorable Phyllis J. Hamilton]

**JOINT STIPULATION TO WITHDRAW
MOTION TO DISMISS COMPLAINT
AND TO SET THE DATE TO RESPOND
TO THE FIRST AMENDED COMPLAINT**

22
23
24 **TO THE HONORABLE COURT:**

25 Plaintiff, EDWARD LAWRENCE (“plaintiff”), and defendant, WELLS FARGO BANK,
26 N.A., successor by merger with Wells Fargo Bank Southwest, N.A. formerly known as
27 WACHOVIA MORTGAGE, FSB formerly known as World Savings Bank, FSB (“Wells
28 Fargo”), through their counsel of record present the following stipulation to withdraw Motion to

1 Dismiss Complaint and set time to respond to the First Amended Complaint.

2 **RECITALS**

3 1. WHEREAS, Defendant Wells Fargo filed its Motion to Dismiss the Complaint
4 (Document No. 8) and Request for Judicial Notice in Support of Motion to Dismiss the
5 Complaint (Document No. 9) on March 26, 2014;

6 2. WHEREAS, Plaintiff failed to timely respond to the Motion to Dismiss;

7 3. WHEREAS, Plaintiff filed a First Amended Complaint (“FAC”) on April 18,
8 2014 (Document No. 18);

9 4. WHEREAS, on April 25, 2014 this Court issued an Order requesting that the
10 Motion to Dismiss be withdrawn in light to the FAC (Document No. 19.);

11 5. WHEREAS, Defendant Wells Fargo withdraws its Motion to Dismiss the
12 Complaint (Document Nos. 8 and 8-1) and Request for Judicial Notice in Support of Motion to
13 Dismiss the Complaint (Document No. 9);

14 6. WHEREAS, the Parties agree that the response date to the FAC shall be or before
15 May 13, 2014;

16 7. WHEREAS, this stipulation waives no rights of either Party.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

IT IS HEREBY STIPULATED the Motion to Dismiss the Complaint is withdrawn and that that the deadline for Wells Fargo to respond to the FAC shall be May 13, 2014.

Respectfully submitted,

Dated: April 29, 2014

THE MCCANN LAW GROUP, LLP

By: /s/ Alex P. Zarcone

Alex P. Zarcone

Attorneys for Plaintiff EDWARD LAWRENCE ANGLIN, FLEWELLING, RASMUSSEN, CAMPBELL & TRYTTEN LLP

Dated: April 29, 2014

By: /s/ Kenneth A. Franklin

Kenneth A. Franklin

Attorneys for Defendant WELLS FARGO BANK, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB (“Wells Fargo”)

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Kenneth A. Franklin, attest that concurrence in the filing of this document has been obtained from each signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this day of April 30, 2014.

By: /s/ Kenneth A. Franklin

THE MAY 14, 2014 HEARING DATE IS VACATED.

5/6/14



1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, declare that I am over the age of 18 and am not a party to this action.
3 I am employed in the City of Pasadena, California; my business address is Anglin, Flewelling,
4 Rasmussen, Campbell & Trytten LLP, 199 S. Los Robles Avenue, Suite 600, Pasadena,
California 91101-2459.

5 On the date below, I served a copy of the foregoing document entitled:

6 **JOINT STIPULATION TO WITHDRAW MOTION TO DISMISS COMPLAINT AND**
7 **TO SET THE DATE TO RESPOND TO THE FIRST AMENDED COMPLAINT**

8 on the interested parties in said case as follows:

9 **Served Electronically Via the Court’s CM/ECF System**

10 *Attorneys for Plaintiff:*

11 Alex P. Zarcone
12 The McCann Law Group, LLP
13 P.O. Box 928158
14 San Diego, CA 92192

15 *Tel: (619) 800-3082*
16 *Fax: (858) 750-1049*

17 I declare under penalty of perjury under the laws of the United States of America that
18 the foregoing is true and correct. I declare that I am employed in the office of a member of the
19 Bar of this Court, at whose direction the service was made. This declaration is executed in
20 Pasadena, California on April 30, 2014.

21 Leslie Coumans

22 */s/ Leslie Coumans*

23 _____
24 (Type or Print Name)

25 _____
26 (Signature of Declarant)

27 ANGLIN FLEWELLING RASMUSSEN CAMPBELL & TRYTTEN LLP