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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

Case No.: 09-CV-01376-LHK ORDER SETTING BRIEFING In Re WELLS FARGO MORTGAGE-BACKED) SCHEDULE FOR REQUEST TO ENTER JUDGMENT UNDER FED. R. CIV. P. 54(b)

CERTIFICATES LITIGATION

On October 19, 2010, this Court issued an order dismissing claims relating to certain mortgage-backed securities from this case, with prejudice, on the basis that they were not timely. See October 19, 2010 Order (Dkt. No. 299) at 5-11. The Ten Dismissed Offerings were the Wells Fargo Mortgage Backed Securities 2007-10, 2007-13, 2007-AR4, 2006-7, 2006-10, 2006-AR16, 2006-AR19, 2006-18, 2006-20 Trusts, and the Wells Fargo Alternative Loan 2007-PA1 Trust. On November 18, 2010, certain Plaintiffs¹ in this putative class action (hereinafter, the "In re Wells Fargo" action) filed an administrative motion for entry of final judgment as to these Ten Dismissed Offerings pursuant to Fed. R. Civ. P. 54(b), so that they may pursue an appeal of this dismissal. See 54(b) Motion (Dkt. No. 302).

Case No.: 09-CV-01376-LHK ORDER SETTING BRIEFING SCHEDULE FOR REQUEST TO ENTER JUDGMENT UNDER FED. R. CIV. P. 54(b)

¹ The Vermont Pension Investment Committee, the Public Employees' Retirement System of Mississippi, the Policemen's Annuity & Benefit Fund of the City of Chicago, the Southeastern Pennsylvania Transportation Authority and the Plumbers & Steamfitters Local 60 Pension Plan.

On November 22, 2010, Wells Fargo² filed an Opposition to the 54(b) Motion. See Dkt. No. 308. In its Opposition, Wells Fargo asserts that such a motion should be made on a noticed briefing schedule under Civil Local Rule 7-2. So that all parties have an opportunity to be heard regarding the 54(b) Motion, the Court sets the following briefing schedule:

Any opposition to the 54(b) Motion shall be filed by Friday, December 10, 2010 Any reply in support of the 54(b) Motion shall be filed by Friday, December 17, 2010 The Court will set a hearing, if necessary, after the additional briefing has been submitted.

IT IS SO ORDERED.

Dated: November 29, 2010

United States District Judge

² Wells Fargo Bank, N.A., Wells Fargo Asset Securities Corporation and the Individual Defendants