

1 Daniel C. Girard (State Bar No. 114826)
 dcg@girardgibbs.com
 2 Jonathan K. Levine (State Bar No. 220289)
 jkl@girardgibbs.com
 3 Aaron M. Sheanin (State Bar No. 214472)
 ams@girardgibbs.com
 4 Christina H. C. Sharp (State Bar No. 245869)
 chc@girardgibbs.com
 5 **GIRARD GIBBS LLP**
 601 California Street, Suite 1400
 6 San Francisco, CA 94108
 Telephone: (415) 981-4800
 7 Facsimile: (415) 981-4846

8 Counsel for Lead Plaintiffs

10 **UNITED STATES DISTRICT COURT**

11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 LINDELL VAN DYKE, AS TRUSTEE FOR)
 13 THE VAN DYKE FAMILY TRUST, and)
 14 SANDRA OLSEN, Individually And On Behalf)
 of All Others Similarly Situated,)

15 Plaintiff,)

16 v.)

17 WELLS FARGO & CO., WELLS FARGO)
 18 INVESTMENTS, LLC, WELLS FARGO)
 19 INSTITUTIONAL SECURITIES, LLC, WELLS)
 FARGO SERVICES, LLC, and WELLS)
 20 FARGO BANK, N.A.,)

21 Defendants.)

Case No. CV-08-1962 (JSW)

**STIPULATION AND [PROPOSED]
ORDER CONDITIONALLY
DISMISSING CLAIMS**

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2 WHEREAS, on October 15, 2008, this Court appointed Plaintiffs Lindell Van Dyke and Sandra
3 Olsen as Lead Plaintiff in the above-captioned action pursuant to the Private Securities Litigation
4 Reform Act of 1995;

5 WHEREAS, on February 10, 2009, Plaintiffs Lindell Van Dyke and Sandra Olsen filed their
6 First Amended Class Action Complaint for Violation of Federal Securities Laws;

7 WHEREAS, on April 20, 2009, Defendants filed their motion to dismiss the First Amended
8 Class Action Complaint for Violation of Federal Securities Laws;

9 WHEREAS, Defendants' motion to dismiss has been fully briefed and is currently pending
10 before this Court;

11 WHEREAS, on November 18, 2009, a settlement in principle between Wells Fargo Investments
12 LLC and the California Attorney General's office was announced, pursuant to which Wells Fargo has
13 agreed to repurchase approximately \$1.3 billion from Wells Fargo clients whose funds have been frozen
14 in the auction rate securities market;

15 WHEREAS, under the settlement agreement between Wells Fargo and the California Attorney
16 General's office, Plaintiffs Lindell Van Dyke and Sandra Olsen may be eligible for repurchase at par
17 value of all their Wells Fargo auction rate securities at issue in this action;

18 WHEREAS, the repurchase at par value of all of the Wells Fargo auction rate securities held by
19 the Plaintiffs Lindell Van Dyke and Sandra Olsen will resolve the claims they have asserted in the
20 above-captioned action;

21 Plaintiffs Lindell Van Dyke and Sandra Olsen and Defendants Wells Fargo & Co., Wells Fargo
22 Investments, LLC, Wells Fargo Institutional Securities, LLC, Wells Fargo Services, LLC, and Wells
23 Fargo Bank, N.A., by and through their respective counsel,

24 HEREBY AGREE AND STIPULATE AS FOLLOWS:

- 25 1. The above-captioned action shall be conditionally dismissed subject to the actual
26 repurchase at par value of all of the Wells Fargo auction rate securities held by Plaintiffs
27 Lindell Van Dyke and Sandra Olsen;

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: January 4, 2010



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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