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8 *Attorneys for Proposed Lead Plaintiffs Alameda*
County Employees' Retirement Association,
 9 *Government of Guam Retirement Fund, New*
Orleans Employees' Retirement System and
 10 *Louisiana Sheriffs' Pension and Relief Fund*

11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 GENERAL RETIREMENT SYSTEM OF
 15 THE CITY OF DETROIT, Individually And
 16 On Behalf Of All Others Similarly Situated,

17 Plaintiff,

18 v.

19 THE WELLS FARGO MORTGAGE
 20 BACKED SECURITIES 2006-AR18 TRUST,
 21 THE WELLS FARGO MORTGAGE
 22 BACKED SECURITIES 2006-17 TRUST,
 23 THE WELLS FARGO MORTGAGE
 24 BACKED SECURITIES 2006-15 TRUST,
 25 THE WELLS FARGO MORTGAGE
 26 BACKED SECURITIES 2006-16 TRUST,
 27 THE WELLS FARGO MORTGAGE
 28 BACKED SECURITIES 2006-AR19 TRUST,
 THE WELLS FARGO MORTGAGE
 BACKED SECURITIES 2006-18 TRUST,
 THE WELLS FARGO MORTGAGE
 BACKED SECURITIES 2006-20 TRUST,
 THE WELLS FARGO MORTGAGE
 (Caption continued on next page)

Civil Action No. 09-1376-SI

CLASS ACTION-ECF

**MEMORANDUM OF LAW (1) IN FURTHER
 SUPPORT OF THE MOTION OF THE
 PUBLIC FUNDS GROUP FOR
 APPOINTMENT AS LEAD PLAINTIFFS,
 APPROVAL OF ITS SELECTION OF LEAD
 COUNSEL, AND CONSOLIDATION OF
 RELATED ACTIONS; AND (2) IN
 OPPOSITION TO THE COMPETING
 MOTION FOR APPOINTMENT AS LEAD
 PLAINTIFF**

Date: July 17, 2009
 Time: 9:00 a.m.
 Courtroom: 10, 19th Floor
 Judge: Hon. Susan Illston

1 BACKED SECURITIES 2006-19 TRUST,
2 THE WELLS FARGO MORTGAGE
3 BACKED SECURITIES 2007-1 TRUST,
4 THE WELLS FARGO ALTERNATIVE
5 LOAN 2007-PA1 TRUST, THE WELLS
6 FARGO MORTGAGE BACKED
7 SECURITIES 2007-2 TRUST, THE WELLS
8 FARGO MORTGAGE BACKED
9 SECURITIES 2007-AR3 TRUST, THE
10 WELLS FARGO MORTGAGE BACKED
11 SECURITIES 2007-4 TRUST, THE WELLS
12 FARGO MORTGAGE BACKED
13 SECURITIES 2007-3 TRUST, THE WELLS
14 FARGO MORTGAGE BACKED
15 SECURITIES 2007-5 TRUST, THE WELLS
16 FARGO MORTGAGE BACKED
17 SECURITIES 2007-6 TRUST, THE WELLS
18 FARGO MORTGAGE BACKED
19 SECURITIES 2007-7 TRUST, THE WELLS
20 FARGO MORTGAGE BACKED
21 SECURITIES 2007-8 TRUST, THE WELLS
22 FARGO MORTGAGE BACKED
23 SECURITIES 2007-9 TRUST, THE WELLS
24 FARGO MORTGAGE BACKED
25 SECURITIES 2007-10 TRUST, THE WELLS
26 FARGO MORTGAGE BACKED
27 SECURITIES 2007-11 TRUST, THE WELLS
28 FARGO MORTGAGE BACKED
SECURITIES 2007-12 TRUST, WELLS
FARGO ASSET SECURITIES
CORPORATION, WELLS FARGO BANK,
N.A., DAVID MOSKOWITZ, FRANKLIN
CODEL, THOMAS NEARY, DOUGLAS K.
JOHNSON, GOLDMAN, SACHS & CO.,
JPMORGAN CHASE, INC., *as successor-in-*
interest to BEAR, STEARNS & CO., INC.,
HSBC SECURITIES (USA), INC.,
DEUTSCHE BANK SECURITIES, INC.,
UBS SECURITIES, LLC, CITIGROUP
GLOBAL MARKETS, INC., GREENWICH
CAPITAL MARKETS, INC.,
BARCLAYS CAPITAL, INC., BANC OF
AMERICA SECURITIES, LLC, BANK OF
AMERICA CORPORATION *as successor-in-*
interest to MERRILL LYNCH, PIERCE,
(Caption continued on next page)

1 FENNER & SMITH, INC., MOODY'S
2 INVESTOR SERVICES, INC., THE
3 MCGRAW-HILL COMPANIES AND
4 FITCH RATINGS, INC.,

Defendants.

5 NEW ORLEANS EMPLOYEES'
6 RETIREMENT SYSTEM, Individually and
7 On Behalf of All Others Similarly Situated,

Plaintiff,

8 v.

9 WELLS FARGO ASSET SECURITIES
10 CORPORATION, WELLS FARGO BANK,
11 N.A., DAVID MOSKOWITZ, FRANKLIN
12 CODEL, THOMAS NEARY, DOUGLAS K.
13 JOHNSON, GOLDMAN, SACHS & CO.,
14 MORGAN STANLEY & CO., INC.,
15 JPMORGAN CHASE, INC., *as successor-in-*
16 *interest to* BEAR, STEARNS & CO., INC.,
17 HSBC SECURITIES (USA), INC., CREDIT
18 SUISSE SECURITIES (USA), LLC,
19 DEUTSCHE BANK SECURITIES, INC.,
20 UBS SECURITIES, LLC, CITIGROUP
21 GLOBAL MARKETS, INC., GREENWICH
22 CAPITAL MARKETS, INC., *doing business*
23 *as* RBS Securities, Inc., BARCLAYS
24 CAPITAL, INC., BANC OF AMERICA
25 SECURITIES, LLC, BANK OF AMERICA
26 CORPORATION *as successor-in-interest to*
27 MERRILL LYNCH, PIERCE, FENNER &
28 SMITH, INC., BANK OF AMERICA
CORPORATION *as successor-in-interest to*
COUNTRYWIDE SECURITIES
CORPORATION, MOODY'S INVESTORS
SERVICE, INC., THE MCGRAW-HILL
COMPANIES, INC., FITCH, INC., WELLS
FARGO MORTGAGE BACKED
SECURITIES 2006-AR1 TRUST, WELLS
FARGO MORTGAGE
BACKED SECURITIES 2006-3 TRUST,
WELLS FARGO MORTGAGE BACKED
SECURITIES 2006-AR2 TRUST, WELLS
FARGO MORTGAGE BACKED
SECURITIES 2006-AR3 TRUST, WELLS
FARGO MORTGAGE BACKED
SECURITIES 2006-2 TRUST, WELLS
FARGO MORTGAGE BACKED
(Caption continued on next page)

Civil Action No. 09-1620-SI

CLASS ACTION-ECF

1 SECURITIES 2006-1 TRUST, WELLS
FARGO MORTGAGE BACKED
2 SECURITIES 2006-AR4 TRUST, WELLS
FARGO MORTGAGE BACKED
3 SECURITIES 2006-AR5 TRUST,
WELLS FARGO MORTGAGE BACKED
4 SECURITIES 2006-4 TRUST, WELLS
FARGO MORTGAGE BACKED
5 SECURITIES 2006-AR6 TRUST, WELLS
FARGO MORTGAGE BACKED
6 SECURITIES 2006-AR7 TRUST, WELLS
FARGO MORTGAGE BACKED
7 SECURITIES 2006-5 TRUST, WELLS
FARGO MORTGAGE BACKED
8 SECURITIES 2006-6 TRUST, WELLS
FARGO MORTGAGE BACKED
9 SECURITIES 2006-AR8 TRUST, WELLS
FARGO MORTGAGE BACKED
10 SECURITIES 2006-7 TRUST, WELLS
FARGO MORTGAGE BACKED
11 SECURITIES 2006-8 TRUST, WELLS
FARGO MORTGAGE BACKED
12 SECURITIES 2006-AR10 TRUST, WELLS
FARGO MORTGAGE BACKED
13 SECURITIES 2006-AR11 TRUST, WELLS
FARGO MORTGAGE BACKED
14 SECURITIES 2006-9 TRUST, WELLS
FARGO MORTGAGE BACKED
15 SECURITIES 2006-10 TRUST, WELLS
FARGO MORTGAGE BACKED
16 SECURITIES 2006-AR12 TRUST, WELLS
FARGO MORTGAGE BACKED
17 SECURITIES 2006-AR13 TRUST, WELLS
FARGO MORTGAGE BACKED
18 SECURITIES 2006-11 TRUST, WELLS
FARGO MORTGAGE BACKED
19 SECURITIES 2006-AR16 TRUST, WELLS
FARGO MORTGAGE BACKED
20 SECURITIES 2006-14 TRUST, WELLS
FARGO MORTGAGE BACKED
21 SECURITIES 2006-AR17 TRUST,
WELLS FARGO MORTGAGE BACKED
22 SECURITIES 2006-13 TRUST, WELLS
FARGO MORTGAGE BACKED
23 SECURITIES 2006-AR15 TRUST, WELLS
FARGO MORTGAGE BACKED
24 SECURITIES 2006-AR14 TRUST, WELLS
FARGO MORTGAGE BACKED
25 SECURITIES 2006-12 TRUST, WELLS
FARGO MORTGAGE BACKED
26 SECURITIES 2006-AR18 TRUST,
WELLS FARGO MORTGAGE BACKED
27 (Caption continued on next page)

28

1 SECURITIES 2006-17 TRUST, WELLS
FARGO MORTGAGE BACKED
2 SECURITIES 2006-15 TRUST,
WELLS FARGO MORTGAGE BACKED
3 SECURITIES 2006-16 TRUST,
AND WELLS FARGO MORTGAGE
4 BACKED SECURITIES 2006-AR19
TRUST, WELLS FARGO MORTGAGE
5 BACKED SECURITIES 2006-18 TRUST,
WELLS FARGO MORTGAGE BACKED
6 SECURITIES 2006-19 TRUST, WELLS
FARGO MORTGAGE BACKED
7 SECURITIES 2006-20 TRUST, WELLS
FARGO MORTGAGE BACKED
8 SECURITIES 2007-1 TRUST, WELLS
FARGO ALTERNATIVE LOAN 2007-PA1
9 TRUST, WELLS FARGO MORTGAGE
BACKED SECURITIES 2007-2 TRUST,
10 WELLS FARGO MORTGAGE BACKED
SECURITIES 2007-AR3 TRUST, WELLS
11 FARGO MORTGAGE BACKED
SECURITIES 2007-3 TRUST, WELLS
12 FARGO MORTGAGE BACKED
SECURITIES 2007-4 TRUST, WELLS
13 FARGO MORTGAGE BACKED
SECURITIES 2007-5 TRUST, WELLS
14 FARGO MORTGAGE BACKED
SECURITIES 2007-6 TRUST, WELLS
15 FARGO MORTGAGE BACKED
SECURITIES 2007-7 TRUST, WELLS
16 FARGO MORTGAGE BACKED
SECURITIES 2007-8 TRUST, WELLS
17 FARGO MORTGAGE BACKED
SECURITIES 2007-9 TRUST, WELLS
18 FARGO MORTGAGE BACKED
SECURITIES 2007-10 TRUST, WELLS
19 FARGO MORTGAGE BACKED
SECURITIES 2007-11 TRUST, WELLS
20 FARGO MORTGAGE BACKED
SECURITIES 2007-12 TRUST, WELLS
21 FARGO MORTGAGE BACKED
SECURITIES 2007-13 TRUST, AND
22 WELLS FARGO MORTGAGE BACKED
SECURITIES 2007-AR4 TRUST,
23

Defendants.

1 The Alameda County Employees' Retirement Association, the Government of Guam
 2 Retirement Fund ("Guam"), the Louisiana Sheriffs' Pension and Relief Fund, and the New Orleans
 3 Employees' Retirement System (collectively, the "Public Funds Group") respectfully submit this
 4 memorandum of law: (1) in further support of their motion to be appointed as lead plaintiff pursuant to
 5 Section 27(a)(3)(B) of the Securities Act of 1933 (the "Securities Act"), 15 U.S.C. § 77z-1(a)(3)(B), as
 6 amended by the Private Securities Litigation Reform Act of 1995 (the "PSLRA"); and (2) in
 7 opposition to the competing motion of the Institutional Investor Group for appointment as lead
 8 plaintiff.¹

9 I. INTRODUCTION

10 Currently pending before the Court are two applications for appointment of lead plaintiff on
 11 behalf of persons or entities who acquired certain mortgage pass-through certificates or asset-backed
 12 certificates issued pursuant and/or traceable to false and misleading registration statements,
 13 prospectuses and prospectus supplements which Wells Fargo Asset Securities Corporation ("Wells
 14 Fargo") filed with the Securities and Exchange Commission ("SEC"). The Public Funds Group
 15 indisputably is the most adequate plaintiff under the well-defined standards of the PSLRA which
 16 establish a presumption that the "most adequate plaintiff" is the movant with the "largest financial
 17 interest in the relief sought by the class" that "otherwise satisfies the requirements of Rule 23 of the
 18 Federal Rules of Civil Procedure." 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); *In re Cavanaugh*, 306 F.3d 726,
 19 730 (9th Cir. 2002). This presumption "may be rebutted only upon proof by a member of the
 20 purported plaintiff class that the presumptively most adequate plaintiff" is inadequate to protect the
 21 interests of the class. 15 U.S.C. § 78u-4(a)(3)(B)(iii)(II).

22
 23
 24
 25
 26
 27 ¹ The "Institutional Investor Group" consists of the Employees' Retirement System of the
 28 Government of the Virgin Islands and the City of Sterling Heights Police & Fire Retirement System.
 On June 26, 2009, the General Retirement System of the City of Detroit withdrew its motion for
 appointment as Lead Plaintiff [Dkt. No. 101].

1 Here, the Public Funds Group purchased certificates with a face value of over \$34.5 million,
2 which far exceeds the financial interest of the competing movant, the “Institutional Investor Group.”²
3 Indeed, the financial interest of just one member of the Public Funds Group, Guam, is greater than that
4 of the Institutional Investor Group. Guam purchased certificates with a face value of \$13.1 million.
5 By comparison, the Institutional Investor Group purchased \$11.5 million in certificates.³

6 Moreover, the Public Funds Group satisfies the requirements of Rule 23 and is comprised of
7 institutional investors – precisely the sort of plaintiffs that Congress intended to direct securities class
8 actions under the PSLRA. The Public Funds Group is, therefore, the presumptive lead plaintiff under
9 the PSLRA and respectfully submits that it should be appointed lead plaintiff.

10 II. PROCEDURAL BACKGROUND

11 On March 27, 2009, the City of Detroit filed a complaint alleging violations of the federal
12 securities laws against Wells Fargo and other defendants on behalf of all purchasers of mortgage pass-
13 through certificates issued pursuant to Wells Fargo’s September 27, 2006 Registration Statement. *See*
14 *General Retirement System of the City of Detroit v. The Wells Fargo Mortgage Backed Securities*
15 *2006-AR18 Trust, et al.*, 09-CV-1376 (SI). On March 31, 2009, the City of Detroit published notice,
16 alerting investors to the action and notifying them of the opportunity to move for appointment as lead
17 plaintiff by June 1, 2009.

18 On April 13, 2009, the New Orleans Employees’ Retirement System filed an action alleging
19 violations of Sections 11, 12(a)(2), and 15 of the Securities Act on behalf of acquirers of Wells Fargo
20 mortgage pass-through certificates issued pursuant and/or traceable to a July 29, 2005 Registration
21 Statement, an October 20, 2005 Registration Statement, and a September 2006 Registration Statement,
22 along with their accompanying prospectuses and prospectus supplements (“Offering Documents”).
23 On April 14, 2009, New Orleans published notice of its action, alerting investors of the June 1, 2009
24

25 ² *See* Exhibits C-1, C-2, C-3 and C-4 to the Corrected Declaration Of David R. Stickney In Support
26 Of The Motion Of The Public Funds For Appointment As Lead Plaintiffs And Approval Of Their
27 Selection Of Lead Counsel (“Stickney Decl.”), filed June 3, 2009 [Dkt. No. 56].

28 ³ *See* Exhibits A and B to the Declaration Of Erik D. Peterson In Support Of The Institutional
Investor Group’s Motion For Consolidation Of Related Actions, Appointment As Lead Plaintiff And
For Approval Of Selection Of Lead Counsel (“Peterson Decl.”), filed June 1, 2009 [Dkt. No. 48].

1 deadline to move for appointment as lead plaintiff. On May 28, 2009, the Court issued a Related Case
 2 Order, which related the two actions given they deal with substantially the same parties, property,
 3 transactions and/or events. *See City of Detroit v. Wells Fargo* [Dkt. No. 42].

4 On June 1, 2009, the Public Funds Group, the City of Detroit, and the Institutional Investor
 5 Group each timely filed competing motions for: (1) appointment as lead plaintiff and approval of its
 6 selection of lead counsel; and (2) consolidation of all related actions. On June 26, 2007, the City of
 7 Detroit filed Notice, withdrawing its motion [Dkt. No. 101].

8 III. THE PUBLIC FUNDS GROUP SHOULD BE APPOINTED LEAD PLAINTIFF

9 The Public Funds Group respectfully submits that it should be appointed lead plaintiff because
 10 it is the movant “most capable of adequately representing the interests of class members.” 15 U.S.C. §
 11 77z-1(a)(3)(B); 15 U.S.C. § 78u-4(a)(3)(B). The PSLRA establishes a presumption that the “most
 12 adequate plaintiff” is the movant that “has the largest financial interest in the relief sought by the
 13 class” and “otherwise satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.”
 14 15 U.S.C. § 77z-1(a)(3)(B); *see also Cavanaugh*, 306 F.3d at 730; *In re Versata, Inc. Sec. Litig.*, No.
 15 C-01-1439 SI, 2001 WL 34012374, at *7 (N.D. Cal. Aug. 20, 2001) (members of moving group with
 16 largest collective financial interest were presumptive lead plaintiffs); *Lax v. First Merchs. Acceptance*
 17 *Corp.*, No. C-2715, 1997 U.S. Dist. LEXIS 11866, at *3 (N.D. Ill. Aug. 6, 1997) (same).

18 As detailed in The Motion Of The Public Funds For Appointment As Lead Plaintiffs And
 19 Approval Of Their Selection Of Lead Counsel (“Motion For Appointment”) [Dkt. No. 52], the Public
 20 Funds Group meets all of the requirements to be appointed lead plaintiff. Specifically, the Public
 21 Funds Group has the largest financial interest in the relief sought and easily satisfies the typicality and
 22 adequacy requirements of Federal Rule of Civil Procedure 23.

23 A. The Public Funds Group Has The Largest 24 Financial Interest In The Relief Sought By The Purchasers Of Wells Fargo Mortgage Certificates

25 The Public Funds Group should be appointed lead plaintiff because it has the largest financial
 26 interest in the relief sought and is, therefore, presumptively the most adequate lead plaintiff. 15 U.S.C.
 27 § 77z-1(a)(3)(B)(iii). Courts generally look to four factors (often referred to as the *Lax* factors) in
 28 determining which movant has the largest financial interest in the litigation. *Richardson v. TVIA, Inc.*,

1 No. 06-07307, 2007 U.S. Dist. LEXIS 28406 (N.D. Cal. Apr. 16, 2007) (noting that courts have
 2 typically considered the “*Olsten-Lax*” factors to determine who has the largest financial interest).
 3 Under the four-factor analysis, courts consider the following to determine the largest financial interest:
 4 “(1) the number of shares purchased during the class period; (2) the number of net shares purchased
 5 during the class period; (3) the total net funds expended during the class period; and (4) the
 6 approximate losses suffered.” *In re Olsten Corp. Sec. Litig.*, 3 F. Supp. 2d 286, 295 (E.D.N.Y. 1998)
 7 (citing *Lax*, 1997 U.S. Dist. LEXIS 11866, at *17).

8 Here, it is beyond dispute that the Public Funds Group has the largest financial interest as
 9 measured by any of the *Lax* factors. The following table summarizes the relevant factors here:

	Purchases	Sales	Net purchases
Public Funds Group	\$34.5 million	\$22.8 million	\$11.7 million
Institutional Investor Group	\$11.5 million	\$3.8 million	\$7.7 million

13 Specifically, the Public Funds Group purchased Wells Fargo mortgage certificates with a face
 14 value of \$34.5 million. The Public Funds Group purchased certificates from 17 of the Issuing Trusts.
 15 After the sale of certificates with a face value of \$22.8 million, the Public Funds Group had net
 16 purchases of \$11.7 million. By contrast, the Institutional Investor Group purchased Wells Fargo
 17 certificates with a face value of \$11.5 million from eight of the Issuing Trusts and had net purchases of
 18 just \$7.7 million. Accordingly, the Public Funds Group has the largest financial interest in this
 19 litigation. Guam alone purchased certificates with a face value of \$13.1 million, which is greater than
 20 the combined total purchases of the members of the Institutional Investor Group.

1 B. The Public Funds Group Otherwise
2 Satisfies The Requirements Of Rule 23

3 In addition to possessing the largest financial interest in the outcome of the litigation, the
4 Public Funds Group also satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.
5 On a motion to serve as lead plaintiff, the movant must only make a preliminary showing that it
6 satisfies the typicality and adequacy requirements of Federal Rule of Civil Procedure 23. *See*
7 *Richardson*, 2007 U.S. Dist. LEXIS 28406, at *15 (citing *Cavanaugh*, 306 F.3d at 730). Here, the
8 Public Funds Group unquestionably satisfies both requirements.

9 The Public Funds Group's claims are typical of the claims of other purchasers of Wells Fargo
10 mortgage certificates. Generally, the test of typicality "is whether other members have the same or
11 similar injury, whether the action is based on conduct which is not unique to the named plaintiffs, and
12 whether other class members have been injured by the same course of conduct." *Hanon v.*
13 *Dataproducts Corp.*, 976 F.2d 497, 508 (9th Cir. 1992) (citing *Schwartz v. Harp*, 108 F.R.D. 279, 282
14 (C.D. Cal. 1985)); *see also Richardson*, 2007 U.S. Dist. LEXIS 28406, at *17 (typicality satisfied
15 where the proposed lead plaintiff shared substantially similar questions of law and fact with other
16 members of the class and the claims arose from the same course of conduct by defendants); *see also*
17 *Aronson v. McKesson HBOC, et al.*, 79 F. Supp. 2d 1146, 1151 (N.D. Cal. 1999) (finding that the lead
18 plaintiff need not have purchased each and every security as the presumption under the PSLRA is that
19 a single lead plaintiff "can vigorously pursue all available causes of action against all defendants under
20 all available legal theories."). The Public Funds Group's claims in this action arise from the identical
21 course of conduct as the claims of the other members of the class – *i.e.*, the purchase of Wells Fargo
22 certificates that were secured by assets that had a much greater risk profile than represented in the
23 Offering Documents.

24 The Public Funds Group likewise satisfies the adequacy requirement of Rule 23. Under Rule
25 23(a)(4), the representative parties must fairly and adequately protect the interests of the class. This
26 requirement is met if "there are no conflicts between the representative and class interests and the
27 representative's attorneys are qualified, experienced, and generally able to conduct the litigation."
28 *Richardson*, 2007 U.S. Dist. LEXIS 28406, at *16 (citing Fed. R. Civ. P. 23(a)(4); *Staton v. Boeing*

1 *Co.*, 327 F.3d 938, 957 (9th Cir. 2003)). The Public Funds Group easily satisfies the elements of the
2 adequacy requirement. The Public Funds Group’s interests are perfectly aligned with those of the
3 other members of the class and are not antagonistic in any way.

4 There are, furthermore, no facts suggesting that any actual or potential conflict of interest or
5 other antagonism exists between the Public Funds Group and other class members. The Public Funds
6 Group submitted certifications and a joint declaration affirming the understanding of the duties owed
7 to class members through their commitment to oversee the prosecution of this class action. *See* Joint
8 Declaration Of Jerome Davis, Osey McGee, Jr., Joe T. San Agustin, and Robert L. Gaumer In Support
9 Of The Public Funds’ Motion For Appointment As Lead Plaintiffs (“Joint Declaration”) [Dkt. No. 54]
10 at ¶¶6-11 (documenting the Public Funds Group’s decision to act jointly in this case and their plans for
11 joint oversight of the prosecution of the litigation). The conclusion that the Public Funds Group has
12 acted and will continue to act independently of counsel is bolstered by the experience of these funds
13 supervising counsel’s prosecution of complex securities litigation. The Public Funds Group is a small,
14 cohesive group of public pension funds which has provided evidence of the manner in which it has
15 determined to work together and its plan for joint oversight of the prosecution of this litigation. *See*
16 *Versata*, 2001 WL 34012374, at *7. Accordingly, the Public Funds Group’s financial interest is
17 properly aggregated for purposes of this motion. Regardless, Guam has the largest financial interest of
18 any competing lead plaintiff or group of lead plaintiffs.

19 Further, the Public Funds Group is a classic example of the sort of lead plaintiff envisioned by
20 Congress in its enactment of the PSLRA – all its members are sophisticated institutional investors with
21 real financial interests in the litigation. *See* H.R. Conf. Rep. No. 104-369, at 34, 104th Cong. 1st Sess.
22 (1995), reprinted in 1995 U.S.C.C.A.N. 679, 690 (explaining that “increasing the role of institutional
23 investors in class actions will ultimately benefit shareholders and assist courts by improving the
24 quality of representation in securities class actions”); *Armour v. Network Assocs.*, 171 F. Supp. 2d
25 1044, 1051 (N.D. Cal. 2001) (quoting *Bowman v. Legato Sys.*, 195 F.R.D. 655, 659 (N.D. Cal. 2000))
26 (“As an institutional investor with a large financial stake in the outcome of this litigation, [Movant] ‘is
27 exactly the type of lead plaintiff envisioned by Congress when it instituted the lead plaintiff
28 requirements.’”).

1 Finally, the Public Funds Group has demonstrated their adequacy through the selection of
2 Bernstein Litowitz Berger & Grossmann LLP (“Bernstein Litowitz”) to represent the class as Lead
3 Counsel. As discussed in the Motion For Appointment, Bernstein Litowitz is highly qualified and
4 experienced in the area of securities class action litigation and has repeatedly demonstrated an ability
5 to conduct complex securities class action litigation effectively.

6 IV. CONCLUSION

7 As explained above, the Public Funds Group is unquestionably the “most adequate plaintiff.”
8 The Public Funds Group has the “largest financial interest” arising out of the purchase of Wells Fargo
9 mortgage certificates by virtue of, among other things, the purchase certificates with a face value of
10 \$34.5 million. The Public Funds Group further satisfies the relevant requirements of Rule 23 of the
11 Federal Rules of Civil Procedure as adequate class representatives with claims typical of the other
12 purchasers of Wells Fargo mortgage certificates. Accordingly, the Public Funds Group respectfully
13 requests that the Court: (1) appoint the Public Funds Group as lead plaintiff; (2) approve the selection
14 of Bernstein Litowitz to serve as Lead Counsel; and (3) consolidate all related actions.

15 DATED: June 26, 2009

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP

17 /s/ David R. Stickney

18 DAVID R. STICKNEY

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7 *Attorneys for Proposed Lead Plaintiffs New Orleans Employees’
 8 Retirement System, Louisiana Sheriffs’ Pension and Relief Fund,
 Government of Guam Retirement Fund, and
 9 Alameda County Employees’ Retirement Association*

10
 11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

13 GENERAL RETIREMENT SYSTEM OF THE
 CITY OF DETROIT, Individually And On
 14 Behalf Of All Others Similarly Situated,

15 Plaintiff,

16 v.

17
 18 THE WELLS FARGO MORTGAGE BACKED
 SECURITIES 2006-AR18 TRUST, THE WELLS
 19 FARGO MORTGAGE BACKED SECURITIES
 2006-17 TRUST, et al.,

20 Defendants.

21 NEW ORLEANS EMPLOYEES’ RETIREMENT
 SYSTEM, Individually and On Behalf of All
 22 Others Similarly Situated,

23 Plaintiff,

24 v.

25 WELLS FARGO ASSET SECURITIES
 CORPORATION, WELLS FARGO BANK,
 26 N.A., DAVID MOSKOWITZ, et al.,

27 Defendants.
 28

Case No. 09-CV-1376-SI

CLASS ACTION-ECF

DECLARATION OF SERVICE

Civil Action No. 09-cv-1620-SI

CLASS ACTION-ECF

DECLARATION OF SERVICE

I, the undersigned, declare:

1. That I am and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested in the within action; that my business address is 12481 High Bluff Drive, Suite 300, San Diego, CA 92130.

2. That on June 26, 2009, true and correct copies of the following documents:

- Memorandum of Law (1) In Further Support Of The Motion Of the Public Funds Group For Appointment As Lead Plaintiffs, Approval Of Its Selection Of Lead Counsel, And Consolidation Of Related Actions; And (2) In Opposition To The Competing Motion for Appointment As Lead Plaintiff;
- Declaration of Service.

were filed electronically. Those attorneys who are registered with the Electronic Case Filing (“ECF”) System may access this filing through the Court’s ECF System. Attorneys not registered with the Court’s ECF System will be duly and properly served as indicated below in accordance with the Federal Rules of Civil Procedure and the Court’s Local Rules:

SEE ATTACHED SERVICE LIST

- (BY U.S. MAIL)** I am personally and readily familiar with the business practice of Bernstein Litowitz Berger & Grossmann LLP for collection and processing of correspondence for mailing with the United States Postal Service, and I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States Postal Service at San Diego, California.
- (BY FACSIMILE)** I am personally and readily familiar with the business practice of Bernstein Litowitz Berger & Grossmann LLP for collection and processing of document(s) to be transmitted by facsimile and I caused such document(s) on this date to be transmitted by facsimile to the offices of addressee(s) at the numbers listed below.
- (BY OVERNIGHT MAIL)** I am personally and readily familiar with the business practice of Bernstein Litowitz Berger & Grossmann LLP for collection and processing of correspondence for overnight delivery, and I caused such document(s) described herein to be deposited for delivery to a facility regularly maintained by Federal Express for overnight delivery.
- (BY ELECTRONIC MAIL)** Pursuant to Civil L.R. 5-5(a)(1) and F.R.C.P. 5(b), I am personally and readily familiar with the business practice of Bernstein Litowitz Berger & Grossmann LLP for collection and processing of document(s) to be transmitted electronically in Portable Document Format (PDF), and I caused such document(s) on this date to be transmitted electronically to the offices of the email addressee(s) (as indicated by * on the attached Service List).

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