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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SAN FRANCISCO**

16 COORDINATION PROCEEDING
17 SPECIAL TITLE [RULE 3.550]

18 WELLS FARGO DERIVATIVE CASES

19 Included Actions:
20 Superior Court of California
21 County of San Francisco
22 *In re Wells Fargo & Company Derivative*
23 *Litigation*
24 No. CGC-16-554407

25 San Mateo County Superior Court
26 *Herron v. Stumpf, et al.*
27 No. 18-CIV-00466

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4966

CJC-18-004966

**PLAINTIFFS' NOTICE OF MOTION AND
MOTION FOR PRELIMINARY APPROVAL
OF SETTLEMENT**

Date: May 10, 2019
Time: 10:00 a.m.
Dept. 613
Hon. Teri L. Jackson

ELECTRONICALLY
FILED
*Superior Court of California,
County of San Francisco*
04/16/2019
Clerk of the Court
BY: CAROL BALISTRERI
Deputy Clerk

1 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 10, 2019, at 10:00 a.m., or as soon thereafter as
3 counsel may be heard, before the Honorable Teri L. Jackson, in Department 613 of the San
4 Francisco County Superior Court, 400 McAllister Street, San Francisco, California, Plaintiffs
5 William C. Sarsfield, Franklin Chin, Amy Cook, Monique Frese, Dustin Roth Granger, Vladimir
6 Gusinsky, as Trustee of the Vladimir Gusinsky Revocable Trust, Terence J. Keeley, as Trustee of
7 the Barbara F. and Terence J. Keeley Revocable Living Trust, Dennis Palkon, Christian Aurelio
8 Reyes III, William Russell and Juanita Russell, Trustees of the William and Juanita Russell Trust,
9 and David L. Underwood (“Plaintiffs”), on behalf of the Parties, will move the Court for an order
10 granting preliminary approval of the proposed settlement set forth in the Stipulation and Agreement
11 of Compromise, Settlement and Release (the “Stipulation” or “Settlement”), attached as Exhibit 1
12 to the Declaration of Mark C. Molumphy in Support of Plaintiffs’ Motion for Preliminary Approval
13 of Settlement (the “Molumphy Declaration”) filed concurrently herewith; establishing the form of
14 Notice to be given to current shareholders of Wells Fargo & Company (“Wells Fargo”); setting a
15 schedule for hearing a motion for final approval of the proposed Settlement, Plaintiffs’ Counsel’s
16 motion for an award of attorneys’ fees and expenses, and for service awards to Plaintiffs (the
17 “Settlement Hearing”); and directing that Notice of the Settlement Hearing be provided to Wells
18 Fargo’s current shareholders.¹

19 The Motion is based on this Notice of Motion and Motion, the Memorandum of Points and
20 Authorities, the Molumphy Declaration, and the Declaration of the Honorable Daniel H. Weinstein
21 (Ret.), submitted herewith, all pleadings and papers on file with the Court, and all such additional
22 evidence or argument as may be presented to the Court at or before the Settlement Hearing regarding
23 the Settlement to resolve this consolidated action and other related derivative actions.

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28 ¹ Except as otherwise noted, all capitalized terms herein have the same meaning as defined in the
Stipulation.

1 Dated: April 15, 2019

COTCHETT, PITRE & McCARTHY, LLP

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3 By: /s/ Mark C. Molumphy
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Executive Committee for Derivative Plaintiffs