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SACRAMENTO COURTS  
CLERK #54

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WELLS FARGO BANK, N.A.

10 SUPERIOR COURT OF CALIFORNIA  
11 COUNTY OF SACRAMENTO

13 THADDEUS J. POTOCKI and  
KELLY R. DAVENPORT,  
14  
15 Plaintiffs,  
16  
17 vs.  
18 WELLS FARGO BANK, N.A.;  
FIRST AMERICAN SERVICING  
SOLUTIONS, LLC;  
U.S. BANK, N.A.; and  
DOES 1 through 100, inclusive,  
19  
20 Defendants.

Case No. 34-2014-00160873  
**STIPULATION TO CONTINUE  
HEARING ON ORDER TO SHOW  
CAUSE WHY A PRELIMINARY  
INJUNCTION SHOULD NOT ISSUE**  
  
Current Date: April 14, 2014  
Dept.: 53  
Time: 2:00 p.m.  
Judge: Hon. David L. Brown  
  
Proposed Date: May 5, 2014  
Dept.: 53  
Time: 2:00 p.m.  
Judge: Hon. David L. Brown

Action Filed: March 27, 2014  
Trial Date: None **BY FAX**

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22  
23 Plaintiffs Thaddeus J. Potocki and Kelly R. Davenport (together, "Plaintiffs") and  
24 defendant Wells Fargo Bank, N.A. ("Wells Fargo") stipulate and agree as follows:  
25  
26 WHEREAS, on March 27, 2014, Plaintiffs filed a complaint alleging causes of action  
27 against Wells Fargo Bank, N.A., First American Servicing Solutions, LLC, and U.S. Bank N.A.  
28 for negligence *per se*, violations of Business and Professions Code section 17200, *et seq.* and Civil

1 Code sections 2924(a)(6) and 2924.17, and for declaratory relief;

2 WHEREAS, on March 27, 2014, Plaintiffs applied *ex parte* for a temporary restraining  
3 order and order to show cause why a preliminary injunction should not be issued to prevent the  
4 foreclosure sale of the Plaintiffs' real property located at 3410 West Country Club Lane in  
5 Sacramento, California 95821;

6 WHEREAS, on March 28, 2014, the Court issued a temporary restraining order and issued  
7 the order to show case, setting a hearing date of April 14, 2014, on the order to show cause;

8 WHEREAS, Plaintiffs served Wells Fargo with the summons, complaint, *ex parte* motion  
9 papers, and the order to show cause on March 28, 2014; and

10 WHEREAS Wells Fargo requires more time to prepare its response to the order to show  
11 cause than the current briefing schedule allows;

12 THEREFORE, the Plaintiffs and Defendant hereby agree that the hearing on the order to  
13 show cause shall be continued to May 5, 2014, or to another date thereafter of the Court's  
14 choosing. The Defendants' deadline to respond to the order to show cause to be filed and served  
15 no later than five (5) court days before the hearing, and any reply by Plaintiffs shall be filed and  
16 served no later than three (3) days before the hearing. The parties consent to service of the  
17 response and reply papers by electronic mail.

18 So stipulated.

19 DATED: April 10, 2014

LAW OFFICES OF TED A. GREENE, INC.  
A Professional Corporation

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By: 

Ted A. Greene

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Attorneys for Plaintiffs  
THADDEUS J. POTOCKI and  
KELLY R. DAVENPORT

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DATED: April 10, 2014

SEVERSON & WERSON  
A Professional Corporation

By:   
Daska P. Babcock

Attorneys for Defendant  
WELLS FARGO BANK, N.A.

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**PROOF OF SERVICE**

*Thaddeus J. Potocki and Kelly R. Davenport vs. Wells Fargo Bank, N.A., et al.*  
Sacramento Superior Court Case No. 34-2014-00160873

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is One Embarcadero Center, Suite 2600, San Francisco, CA 94111.

On April 10, 2014, I served true copies of the following document(s):

**STIPULATION TO CONTINUE HEARING ON ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

**[PROPOSED] ORDER CONTINUING HEARING ON ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT ISSUE**

on the interested parties in this action as follows:

Ted A. Greene Law Offices of Ted A. Greene, Inc. 1912 F Street, Suite 110 Sacramento, CA 95811	Telephone: (916) 442-6400 Facsimile: (916) 266-9395 Email: tgreene@tedgreenelaw.com <i>Attorneys for the Plaintiffs</i>
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**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Severson & Werson's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 10, 2014, at San Francisco, California.

  
Teri J. McEnery