

1 **BERGMAN & GUTIERREZ LLP**  
2 PENELOPE P. BERGMAN, ESQ., SBN 220452  
3 penelope@b-g-law.com  
4 DEBORAH P. GUTIERREZ, ESQ., SBN 240383  
5 deborah@b-g-law.com  
6 880 Apollo Street, Suite 334  
7 El Segundo, CA 90245  
8 T: (310) 893-6200; F: (310) 988-2930

9 Attorneys for Plaintiffs,  
10 Kenny H. Ng and Yen T. Chung

**FILED**

Superior Court of California  
County of San Francisco

MAY 24 2016

CLERK OF THE COURT

BY: \_\_\_\_\_ Deputy Clerk

11 **SUPERIOR COURT OF CALIFORNIA**  
12 **COUNTY OF SAN FRANCISCO**

13 KENNY H. NG, an individual; YEN T. CHUNG,  
14 an individual.

15 Plaintiffs,

16 vs.

17 WELLS FARGO BANK, N.A.; and Does 1 –  
18 100, inclusive,

19 Defendants.

Case No. CGC-15-546481

20 <sup>ME</sup>  
21 **[PROPOSED] ORDER GRANTING**  
22 **PLAINTIFFS' MOTION FOR LEAVE**  
23 **TO FILE FIRST AMENDED**  
24 **COMPLAINT**

Judge: Hon. Harold E. Kahn


25 Dept.: 302  
26 Date: May 24, 2016  
27 Time: 9:30 a.m.

28 Complaint Filed: June 22, 2015  
Trial Date: June 20, 2016

29 **IT IS HEREBY ORDERED** that Plaintiffs Kenny H. Ng and Yen T. Chung's Motion for an  
30 Order Granting Leave to File a First Amended Complaint heard before the above-entitled Court on  
31 May 24, 2016 at 9:30 a.m. is **GRANTED** on the following three conditions: 1) Plaintiffs must file full  
32 non-evasive responses to the following deemed- served interrogatories and document requests within  
33 ten days: state all facts that support your two new claims, identify all persons with knowledge of those  
34 facts and which facts they have knowledge about, and identify and produce all documents referring to

1 such facts; 2) if Wells Fargo so desires, Plaintiffs must stipulate to a trial continuance of no more than  
2 three months; and 3) if the trial is continued, Plaintiffs must agree that Wells Fargo may file a motion  
3 for summary adjudication on the two new claims on 30 calendar days' notice with opposition papers  
4 due 14 calendar days before the hearing and reply papers due 5 calendar days before the hearing. With  
5 these conditions, Wells Fargo suffers no prejudice from the granting of the motion and the motion is  
6 favored by the strong California policies of allowing amendments to pleadings and deciding cases on  
7 their merits. Courts are bound to apply a policy of great liberality in permitting amendments to the  
8 complaint at any stage of the proceedings, up to and including trial. (*Mesler v. Bragg Management Co.*  
9 (1985) 39 Cal.3d 290, 296-297.)

10  
11  
12  
13 DATED: 5/24, 2016



Harold E. Kahn  
JUDGE OF THE SUPERIOR COURT