

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

KATHLEEN BALDANZI & GERALD P.
LONG,

On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

WFC HOLDINGS CORPORATION d/b/a
WELLS FARGO BANK, N.A.,

Defendant.

Civil Action No. 07 cv-9551 (LTS)

MOTION TO DISMISS

Defendant WFC Holdings Corporation d/b/a Wells Fargo Bank, N.A. (“Wells Fargo”) hereby moves to dismiss the Complaint *with prejudice* pursuant to Federal Rule of Civil Procedure 12(b)(6). As set forth more fully in the accompanying Memorandum of Law in Support of Motion to Dismiss, the Complaint must be dismissed in its entirety because Plaintiffs’ claims are preempted by federal law.

Respectfully submitted,

WFC HOLDINGS CORPORATION d/b/a
WELLS FARGO BANK, N.A.

By their attorneys,

/s/ Brian D. Hail
Brian D. Hail (BH - 1857)
GOODWIN PROCTER, LLP
599 Lexington Avenue,
New York, NY 10022
(212) 813-8800 (telephone)
(212) 355-3333 (facsimile)
bhail@goodwinprocter.com

Of Counsel:

Thomas M. Hefferon
Marva R. Deskins
GOODWIN PROCTER, LLP
901 New York Ave., N.W.
Washington, D.C. 20001
(202) 346-4000 (telephone)
(202) 344-4444 (facsimile)
thefferon@goodwinprocter.com

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