

LEGAL NOTICE OF PENDENCY OF CLASS ACTION

TO: All Wells Fargo California customers with consumer checking accounts from November 15, 2004, to June 30, 2008, who incurred overdraft fees on debit card transactions after dissemination by Wells Fargo of available-balance information that once reflected and later deleted a debit card transaction.

AND

All Wells Fargo California customers from November 15, 2004, to June 30, 2008, who incurred overdraft fees on debit card transactions as a result of the bank's practice of sequencing transactions from highest to lowest.

YOU MAY BE A MEMBER OF EITHER OR BOTH OF THE ABOVE PLAINTIFF CLASSES IN A CLASS ACTION LAWSUIT CALLED *GUTIERREZ, et al. v. WELLS FARGO & CO., et al, C07-05923 WHA*. PLEASE READ THIS NOTICE CAREFULLY TO LEARN MORE ABOUT THE CASE AND YOUR OPTIONS. YOUR RIGHTS MAY BE AFFECTED BY THE CLASS ACTION WHETHER YOU ACT OR DON'T ACT.

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF ANY OF THE CLAIMS OR DEFENSES ASSERTED BY EITHER SIDE IN THIS LITIGATION. THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM YOU OF THE LAWSUIT SO THAT YOU CAN MAKE AN INFORMED DECISION AS TO WHETHER YOU SHOULD REMAIN IN OR OPT OUT OF THIS CLASS ACTION.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CASE

1. Do nothing

If you do nothing, you will automatically be part of this lawsuit if you qualify as a member of a class. The Class Plaintiffs and their attorneys will act as your representatives and counsel for the prosecution of the claims against Defendant. As a member of a class, you will not be responsible for any attorneys' fees or costs except that the Court may award fees and costs to Plaintiffs' Counsel out of any recovery achieved on behalf of the Class. Any judgment or settlement in this case will apply to you, and your rights in other lawsuits may be affected.

2. Included in lawsuit but not represented by Class Counsel

You can elect to be part of this lawsuit, but not be represented by Class Counsel, and instead, either represent yourself or have your own lawyer represent you. You will need to affirmatively enter an appearance in the lawsuit if you choose this option. If you elect to hire your own lawyer, you will be responsible to pay your lawyer's fees and costs.

3. Exclude yourself

This is your only option if you do not want to participate in this litigation. You will not be part of this lawsuit, but you may still bring your own lawsuit at your own expense. To opt-out, you must mail a written request, postage prepaid, to Gutierrez v. WFB Class Certification, P.O. Box 1960, Faribault, MN 55021-6156. The request must be postmarked on or before February 5, 2009, and must include your full name, account number, address, signature, and a statement that you wish to be excluded from the Class. By electing to be excluded: (1) you will not share in any potential recovery that might be obtained by the Class as a result of trial or settlement of this lawsuit; (2) you will not be bound by any decision in this lawsuit favorable to the Defendant; and (3) you may present any claims you have against the Defendant by filing your own lawsuit, or you may seek to intervene in this lawsuit.

BACKGROUND OF THE CASE

This class action lawsuit was filed against Defendant Wells Fargo Bank, N.A. (hereinafter "Defendant" or "Wells Fargo") on November 21, 2007. On September 11, 2008, the Court certified two Classes in this action, as defined above. Plaintiffs allege that Wells Fargo has a practice whereby certain debit-card transactions are at first reflected in an available balance, but then are later deleted from the available balance, thereby misleading customers with inflated account balance information and inducing them to incur overdraft fees. Plaintiffs also allege that Wells Fargo, when posting debit-card transactions on a day, re-sequences those transactions from highest to lowest and thereby increases the number of overdraft transactions.

Plaintiffs allege that these practices violate California consumer protection and unfair business practices laws and constitute fraud, negligent misrepresentation, and conversion. The lawsuit seeks monetary and injunctive relief from Defendant. Wells Fargo denies all allegations of wrongdoing.

The Court designated William Smith and Erin Walker as representatives of the "Including and Deleting" Class, and Veronica Gutierrez as representative of the "Re-Sequencing" Class. McCune & Wright, LLP was certified as counsel for the Classes.

PRIVACY NOTICE

In determining if you are a valid class member who has been damaged by these alleged practices, your transaction history will be examined through a computer search and analysis. If you do not want your transaction history reviewed, you may elect to opt out of the class by following the instructions above. Whether you opt out of the class or not, your personal information and identity will not be disclosed.

ADDITIONAL INFORMATION AND INQUIRIES

The Background provided above is only a summary of the plaintiffs' claims. For a complete description of the claims, you can review the First Amended Complaint. A copy of that complaint and additional records of this litigation can be found at www.wfblawsuit.com. You may also examine and copy the complaint and other information at any time during regular office hours in the office of the Clerk of the United States District Court for the Northern District of California, San Francisco Division, at 450 Golden Gate Ave., San Francisco, California 94102.

DO NOT CALL OR WRITE THE COURT OR WELLS FARGO (WHICH CANNOT ALTER THE TERMS OF THIS NOTICE).

ALL INQUIRIES SHOULD BE DIRECTED TO:

Gutierrez v. WFB Class Certification
P.O. Box 1960
Faribault, MN 55021-6156
Toll Free Number: (888) 356-0267

www.wfblawsuit.com