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8 Attorney for Plaintiff

9 **UNITED STATES DISTRICT COURT**
 10 **EASTERN DISTRICT OF CALIFORNIA**

11 BARBARA GRAHAM,)	CASE NO. 1:08-CV-01480 OWW DLB
12 Plaintiff)	
13 vs.)	STIPULATION TO ALLOW FILING OF
14 MADISON NATIONAL LIFE INSURANCE,)	SECOND AMENDED COMPLAINT
15 INC.,)	
16 Defendant.)	Complaint Filed: October 1, 2008
17 _____)	

18 **It is hereby stipulated by the parties**, through their respective attorneys of record, that
 19 Plaintiff BARBARA GRAHAM, may file the proposed/attached Second Amended Complaint.

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 21 The Second Amended Complaint is identical to the First Amended Complaint except for the
 22 following changes. The present paragraph 5 reads as follows:

23
 24 5. Barbara Graham purchased a Disability Income Policy from Madison National
 25 Life (hereinafter “MNL”), policy no. 79250062, on or about April 23, 1997. Ms.
 26 Graham paid all premium payments timely in accordance with the policy.
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28 Paragraph 5 of the Second Amended Complaint has the following additional wording.

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“and performed all conditions required under the contract with MNL or they were excused.”

Count II is modified to include the same additional paragraph which reads:

31. Barbara Graham purchased a Disability Income Policy from MNL, policy no. 79250062, on or about April 23, 1997. Ms. Graham paid all premium payments timely in accordance with the policy and performed all conditions required under the contract with MNL or they were excused.

Count III is modified to include the same additional paragraph which reads:

33. Barbara Graham purchased a Disability Income Policy from MNL, policy no. 79250062, on or about April 23, 1997. Ms. Graham paid all premium payments timely in accordance with the policy and performed all conditions required under the contract with MNL or they were excused

It is further stipulated that any response currently due by Defendant Madison National Life Insurance, Inc., to Plaintiff’s First Amended Complaint may await the Court’s anticipated approval of Plaintiff’s filing of the Second Amended Complaint.

Date: February 9, 2009

By: /s/
William L. Schmidt
Attorney for Plaintiff

By: /s/ R. Libke for A. Sorenson as authorized 2/9/09
Andrew Sorenson
Attorney for Defendant

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ORDER

IT IS SO ORDERED:

DATE: February 13, 2009

/s/ OLIVER W. WANGER

Judge Oliver W. Wanger

Judge of the United States District Court