

DONALD H. GLASRUUD - 042491  
 PETER G. FASHING - 195756  
 DIETRICH, GLASRUUD, MALLEK & AUNE  
 An Association Including Law Corporations  
 5250 North Palm Avenue, Suite 402  
 Fresno, California 93704  
 Telephone: (559) 435-5250  
 Facsimile: (559) 435-8776  
 Email: [dhg@dgmLaw.com](mailto:dhg@dgmLaw.com)  
 Email: [pgf@dgmLaw.com](mailto:pgf@dgmLaw.com)

Attorneys for Defendant Total Benefit Services, Inc.

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)

THOMAS L. ANDERSON,	)	CASE NO. 1:09-CV-01446-OWW-DLB
	)	
Plaintiff,	)	
	)	
-vs-	)	<b>STIPULATION TO AMEND</b>
	)	<b>SCHEDULING CONFERENCE</b>
	)	<b>ORDER; ORDER</b>
STRAUSS NEIBAUER & ANDERSON APC	)	
PROFIT SHARING 401(K) PLAN; DOUGLAS	)	
L. NEIBAUER, as an individual and as a	)	
fiduciary of the Strauss Neibauer & Anderson	)	
APC Profit Sharing 401(k) Plan; STRAUSS	)	
NEIBAUER, A PROFESSIONAL	)	
CORPORATION, a fiduciary/plan sponsor of the	)	
Strauss Neibauer & Anderson APC Profit	)	
Sharing 401(k) Plan; TOTAL BENEFIT	)	
SERVICES, INC., a California corporation, a	)	
fiduciary of the Strauss Neibauer & Anderson	)	
APC Profit Sharing 401(k) Plan;	)	
	)	Case Filed: August 17, 2009
Defendants.	)	
	)	Trial Date: January 11, 2011

Plaintiff Thomas L. Anderson and defendants Strauss Neibauer & Anderson APC Profit Sharing 401(k) Plan, Douglas L. Neibauer, Strauss Neibauer and Total Benefit Services, Inc., through their respective attorneys of record, hereby STIPULATE as follows:

That paragraph V.A.5. of the Scheduling Conference Order, filed January 12, 2010, which reads:

Total Benefit Services, Inc. acceded to the role of plan administrator for Strauss Neibauer & Anderson APC Profit Sharing 401(k) Plan sometime in 2008, having acquired the business of the former plan

1 administrator, Mark R. Sconyers & Associates, a form of entity  
2 unknown.

3 be amended to read, as follows:

4 In 2008, Total Benefit Services, Inc. acquired the business of Mark  
5 R. Sconyers & Associates, a form of entity unknown. Mark R.  
6 Sconyers & Associates performed services on behalf of the Strauss  
7 Neibauer & Anderson APC Profit Sharing 401(k) Plan to which Total  
8 Benefit Services, Inc. acceded upon its purchase of the business.

9 DATED: March 9, 2010. GREEN & HUMBERT

10 BY: /s/ C. Mark Humbert  
11 C. MARK HUMBERT  
12 HORACE W. GREEN  
13 Attorneys for Plaintiff  
14 Thomas L. Anderson

15 DATED: March 8, 2010. STRAUSS NEIBAUER

16 BY: /s/ Douglas L. Neibauer  
17 DOUGLAS L. NEIBAUER  
18 Attorney in Propria Persona and for  
19 Defendants Strauss Neibauer &  
20 Anderson APC Profit Sharing 401(k)  
21 Plan and Strauss Neibauer

22 DATED: March 9, 2010. DIETRICH, GLASRUDE, MALLEK  
23 & AUNE

24 BY: /s/ Peter G. Fashing  
25 DONALD H. GLASRUDE  
26 PETER G. FASHING  
27 Attorneys for Defendant  
28 Total Benefit Services, Inc.

### **ORDER**

IT IS SO ORDERED.

DATED: March 9, 2010.

/s/ OLIVER W. WANGER  
OLIVER W. WANGER, JUDGE OF THE  
UNITED STATES DISTRICT COURT

C:\WINDOWS\Temp\notes101AA1\stip.amend.schedconforder.signed.wpd