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6 Attorneys for Specially Appearing Defendant Total Benefit Services, Inc.

7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA (FRESNO DIVISION)

10 THOMAS L. ANDERSON,
 11
 12 Plaintiff,

13 -vs-

14 STRAUSS NEIBAUER & ANDERSON APC
 PROFIT SHARING 401(K) PLAN; DOUGLAS
 15 L. NEIBAUER, as an individual and as a
 fiduciary of the Strauss Neibauer & Anderson
 16 APC Profit Sharing 401(k) Plan; STRAUSS
 NEIBAUER, A PROFESSIONAL
 CORPORATION, a fiduciary/plan sponsor of the
 17 Strauss Neibauer & Anderson APC Profit
 Sharing 401(k) Plan; TOTAL BENEFIT
 18 SERVICES, INC., a California corporation, a
 fiduciary of the Strauss Neibauer & Anderson
 19 APC Profit Sharing 401(k) Plan;
 20 Defendants.

) CASE NO. 1:09-CV-01446-OWW-DLB

)
)
)
) **STIPULATION TO EXTEND TIME**
) **TO ANSWER OR OTHERWISE**
) **RESPOND TO COMPLAINT;**
) **ORDER**

) Case Filed: August 17, 2009

21
 22 Specially appearing defendant Total Benefit Services, Inc., by and through its
 23 attorneys, has represented to plaintiff Thomas L. Anderson, by and through his attorneys of record,
 24 that Total Benefit Services, Inc. has tendered the defense of this matter to its insurance carrier(s).
 25 In order to give Total Benefit Services, Inc. sufficient time to receive a determination on its tender,
 26 Total Benefit Services, Inc. and Thomas L. Anderson, through their respective attorneys,
 27 STIPULATE as follows:

28 ///

1 That specially appearing defendant Total Benefit Services, Inc. shall have until
2 October 9, 2009, to answer or otherwise respond to the Complaint filed by plaintiff Thomas L.
3 Anderson.

4
5 DATED: September 9, 2009.

6 GREEN & HUMBERT

7
8 BY: /s/ C. Mark Humbert (as authorized 9/9/09)
9 C. MARK HUMBERT
10 HORACE W. GREEN
11 Attorneys for Plaintiff Thomas L. Anderson

12 DATED: September 9, 2009.

13 DIETRICH, GLASRUD, MALLEK & AUNE

14
15 BY: /s/ Peter G. Fashing
16 DONALD H. GLASRUD
17 PETER G. FASHING
18 Attorneys for Specially Appearing Defendant
19 Total Benefit Services, Inc.

20 K:\OWW\Stipulations\09cv1446.stipo.ext.wpdIT IS SO ORDERED.

21 **Dated:** September 13, 2009

/s/ Oliver W. Wanger
22 UNITED STATES DISTRICT JUDGE