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

13 DEBRA ESLINGER

14 Plaintiff,

15 v.

16 THE DONAHUE BATES BLAKEMORE &
 17 MACKEY LONG-TERM DISABILITY
 INSURANCE PLAN; HIGHMARK LIFE
 18 INSURANCE COMPANY; FORT
 DEARBORN LIFE INSURANCE
 COMPANY; DOES 1 through 20, Inclusive,

19 Defendants.

NO. 09CV02548 LKK JFM

**STIPULATION AND ORDER
 GRANTING LEAVE TO FILE
 PLAINTIFF'S FIRST AMENDED
 COMPLAINT**

21 In this lawsuit, Plaintiff has sued the "Donahue Bates Blakemore & Mackey Long-
 22 Term Disability Insurance Plan," and the insurers who provided Donahue Bates with a
 23 group disability insurance policy, covering Plaintiff, Debra Eslinger. Defendants Fort
 24 Dearborn Life Insurance Company and Highmark Life Insurance Company answered
 25 Plaintiff's Complaint for themselves only, not for the "Donahue Bates Blakemore &
 26 Mackey Long-Term Disability Insurance Plan."

27 Plaintiff has amended her Complaint to add former her employer, Donahue, Bates,
 28 Blakemore & Mackey, as a Defendant and to specifically set forth the allegations

1 supporting her claims that she has been arbitrarily denied disability insurance benefits
2 due her under the Group Policy issued by Highmark and subsequently taken over by Fort
3 Dearborn.

4 All parties who have appeared in this lawsuit (Plaintiff, Fort Dearborn and
5 Highmark) stipulate that Plaintiff may file her proposed First Amended Complaint, a copy
6 of which is attached hereto. Defendants Fort Dearborn and Highmark further stipulate
7 that they will accept service of the First Amended Complaint by means of email or
8 facsimile sent to their Counsel, as the equivalent of personal service.

9 STIPULATED AND AGREED TO BY:

10
11 Dated: February 22, 2010

LAW OFFICES OF JOHN RIESTENBERG

12 /s/ JOHN RIESTENBERG

13 _____
14 JOHN M. RIESTENBERG
Attorney for Plaintiff DEBRA ESLINGER

15 Dated: February 11, 2010

MESERVE, MUMPER & HUGHES
LINDA M. LAWSON
CARMEN COLE


17 /s/Carmen Cole
18 _____
19 CARMEN COLE
20 Attorneys for Defendants FORT DEARBORN
LIFE INSURANCE COMPANY and HIGHMARK
LIFE INSURANCE COMPANY

21 Based upon the above Stipulation, the Court finds that the filing of the First
22 Amended Complaint without the necessity of a motion is in the interest of justice.

23 IT IS THEREFORE ORDERED that:

24 1. Plaintiff shall file her First Amended Complaint within 10 days of the
25 issuance of this Order.

26 Dated: February 22, 2010.

27 
28 LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT