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Attorneys for Defendant, JOHN CHIANG,
in his official capacity as CONTROLLER OF
THE STATE OF CALIFORNIA

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

FIDELITY & GUARANTY LIFE
INSURANCE COMPANY;

Plaintiff,

v.

JOHN CHIANG, in his official capacity
as CONTROLLER OF THE STATE OF
CALIFORNIA,

Defendant.

) Case No. 2:13-cv-02317-JAM-CKD

) **STIPULATION AND ORDER FOR**
) **EXTENSION OF TIME FOR DEFENDANT**
) **JOHN CHIANG TO RESPOND TO**
) **COMPLAINT**

) **[Local Rule 144(c)]**

) **Exempt from Fees**
) **(Gov. Code § 6103)**

) Complaint Filed: November 6, 2013

1 Plaintiff Fidelity & Guaranty Life Insurance Company (“Plaintiff” or “FGL”) and Defendant
2 John Chiang, in his official capacity as Controller of the State of California (“Defendant” or the
3 “Controller”), by and through their counsel, stipulate as follows:

4 WHEREAS, Plaintiff initiated this action by filing its Complaint on November 6, 2013;

5 WHEREAS, Defendant was served with the Complaint on November 7, 2013;

6 WHEREAS, the Court’s docket indicates that the Controller’s response to the Complaint is
7 due on November 29, 2013;

8 WHEREAS, Defendant recently obtained approval from the California Attorney General to
9 retain outside counsel to represent the Controller in this case pursuant to California Government
10 Code § 11040;

11 WHEREAS, the Controller needs additional time to respond to the Complaint, whether
12 through his preferred counsel or otherwise; and

13 WHEREAS, Plaintiff and Defendant have not agreed to any previous extensions of time to
14 respond to the Complaint;

15 IT IS HEREBY STIPULATED, subject to the Court’s approval, that Defendant shall have an
16 extension to and including January 15, 2014 to file a response to the Complaint. IT IS FURTHER
17 STIPULATED that the Controller and his auditors shall refrain from requiring FGL to comply with
18 any unclaimed property audit through January 15, 2014. In so stipulating, the parties understand and
19 acknowledge that the Controller preserves all rights, remedies, and defenses that he has at this time,
20 including, without limitation, his rights under the United States Constitution (including, without
21 limitation, the Tenth and Eleventh Amendments), the Constitution of the State of California,
22 sovereign immunity and federalism principles, and any and all other applicable law.
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Dated: November 25, 2013

By: /s/ _____

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Attorneys for Defendant, JOHN CHIANG,
in his official capacity as CONTROLLER OF
THE STATE OF CALIFORNIA

Dated: November 25, 2013

By: /s/ _____

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ORDER

Pursuant to the stipulation between Plaintiff and Defendant, Defendant shall have an extension to and including January 15, 2014 to file a pleading or motion in response to the Complaint. **IT IS SO ORDERED.**

Dated: November 26, 2013

/s/ John A. Mendez

Honorable John A. Mendez
United States District Court Judge