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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 PARTIES  
TO MEET AND CONFER AND  
SUBMIT RULE 26(f) JOINT STATUS  
REPORT

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 entered an Order Requiring Joint Status Report (Docket No. 5, the  
7 “Status Report Order”) on November 7, 2013;

8 WHEREAS, the Status Report Order requires the parties to prepare and submit to the Court a  
9 joint status report that includes their Rule 26(f) discovery plan within sixty (60) days of service of  
10 the Complaint;

11 WHEREAS, in this case, the parties’ joint status report is due on or before January 7, 2014;

12 WHEREAS, Defendant has obtained approval from the California Attorney General to retain  
13 outside counsel to represent the Controller in this case pursuant to California Government Code §  
14 11040;

15 WHEREAS, the Controller needed additional time to respond to the Complaint, whether  
16 through his preferred counsel or otherwise;

17 WHEREAS, FGL and the Controller stipulated to a continuance of the Controller’s deadline  
18 to respond to the Complaint, continuing the deadline to January 15, 2014 by way of written  
19 stipulation filed with the Court on November 26, 2013 (Docket No. 15, the “First Stipulation”);

20 WHEREAS, the Court approved the First Stipulation by its Order entered on November 27,  
21 2013 (Docket No. 16);

22 WHEREAS, an issue regarding an alleged conflict of interest regarding the Controller’s  
23 counsel of choice arose and remains the subject of ongoing discussion between the parties;

24 WHEREAS, the parties determined that the ongoing discussions necessitated another  
25 extension of time for the Controller to respond to the Complaint;

1           WHEREAS, on December 19, 2013, the parties executed and filed a joint stipulation  
2 providing Defendant an extension to and including March 14, 2014 to file a response to the  
3 Complaint (Docket No. 17, the “Second Stipulation”);

4           WHEREAS, the Court approved the Second Stipulation by its Order entered on December  
5 20, 2013 (Docket No. 18)

6           WHEREAS, because the discussions regarding an alleged conflict are ongoing, the  
7 Controller has not yet been able to retain his counsel of choice;

8           WHEREAS, because the discussions regarding the alleged conflict involving the Controller’s  
9 counsel of choice are ongoing, the parties agree that additional time is needed for analysis and  
10 evaluation before the Controller can make a decision regarding his choice of counsel in this matter;

11           WHEREAS, in light of the above, and subject to the Court’s approval, the parties have  
12 agreed to a continuance of the deadline imposed by the Status Report Order; and

13           WHEREAS, this is the parties’ first request for a continuance of the deadline imposed by the  
14 Status Report Order:

15           IT IS HEREBY STIPULATED, subject to the Court’s approval, that the parties shall have  
16 until March 28, 2014 to submit the joint status report required by the Status Report Order. In so  
17 stipulating, the parties understand and acknowledge that the Controller preserves all rights, remedies,  
18 and defenses that he has at this time, including, without limitation, his rights under the United States  
19 Constitution (including, without limitation, the Tenth and Eleventh Amendments), the Constitution  
20 of the State of California, sovereign immunity and federalism principles, and any and all other  
21 applicable law.  
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1 Dated: January 2, 2014

By: /s/Richard J. Chivaro

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

9 Dated: January 2, 2014

By: /s/David L. Sasseville

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15  
16 **ORDER**

17 Pursuant to the stipulation between Plaintiff and Defendant, the parties shall have until  
18 March 28, 2014 to submit their joint status report required by the Status Report Order. **IT IS SO**  
19 **ORDERED.**

20 Dated: January 3, 2014

/s/ John A. Mendez  
21 Honorable John A. Mendez