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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 (1)
EXTENSION OF TIME FOR
DEFENDANT JOHN CHIANG TO
RESPOND TO COMPLAINT; and (2)
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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the discussions regarding an alleged conflict are ongoing regarding the Controller’s counsel of choice;

WHEREAS, the parties agree that additional time is needed for analysis and evaluation before the Controller can make a decision regarding his choice of counsel in this matter;

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

WHEREAS, the parties have continued in good faith to investigate and examine the issues surrounding legal representation of the Controller in this matter, which includes among other things recently confirming the existence of approximately 85 boxes of documents in New York City, and additional documents that may be relevant to the representation issues, all of which are in the process of being delivered or transported to the offices of Plaintiff’s counsel in Minneapolis;

WHEREAS, the Controller likely will not have adequate time to make an informed, definitive decision regarding selection of counsel in this matter before the completion of document review and March 14, 2014, which is the current due date for the Controller to answer or otherwise respond to the Complaint in this matter;

WHEREAS, the parties believe a further extension of 45 days will enable them to complete their review and ongoing discussions regarding the legal representation issues, and allow the Controller adequate time to prepare its response with his preferred counsel of choice or engage separate counsel if the Controller concludes he is required by the facts and applicable law to do so;

NOW, THEREFORE,

The parties stipulate and agree that the Controller shall answer or otherwise respond to the Complaint on or before April 30, 2014.

The parties further stipulate and agree that that the parties shall have until May 16, 2014 to submit the joint status report required by the Status Report Order.

Dated: February 24, 2014

By: /s/Richard J. Chivaro

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Dated: February 24, 2014

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ORDER

Pursuant to the stipulation between Plaintiff and Defendant, the Controller shall answer or otherwise respond to the Complaint on or before April 30, 2014. The parties shall have until May 16, 2014 to submit the joint status report required by the Status Report Order. **IT IS SO ORDERED.**

Dated: February 24, 2014

/s/ John A. Mendez
Honorable John A. Mendez
United States District Court Judge