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 (*Pro Hac Application To Be Filed*)
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11 Attorneys for Defendants THE VARIABLE ANNUITY
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 12 ADVISORS, INC, and VALIC RETIREMENT SERVICES
 COMPANY
 13

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

16 D.L. MARKHAM, DDS, MSD, INC. 401(K)
 17 PLAN;
 1101 Maidu Drive,
 18 Auburn, California, 95603,

19 D.L. MARKHAM, DDS, MSD, INC., as plan
 administrator;
 20 1101 Maidu Drive,
 Auburn, California, 95603, on behalf of
 21 themselves and others similarly situated,

22 Plaintiffs,

23 v.

24 THE VARIABLE ANNUITY LIFE
 INSURANCE COMPANY (VALIC); VALIC
 25 FINANCIAL ADVISORS, INC.; VALIC
 RETIREMENT SERVICES COMPANY;
 26 2929 Allen Parkway, Houston, Texas, 77019,

27 Defendants.
 28

Case No. 2:21-cv-00007-TLN-KJN

**SECOND STIPULATION TO EXTEND
 TIME FOR DEFENDANTS TO RESPOND
 TO PLAINTIFFS' COMPLAINT AND
 ORDER THEREON**

[L.R. 144(a)]

Complaint Filed: January 4, 2021
 Trial Date: None set

1 **IT IS HEREBY STIPULATED**, by and between Plaintiffs D.L. MARKHAM, DDS,
2 MSD, INC. 401(K) PLAN; 1101 Maidu Drive, Auburn, California, 95603, D.L. MARKHAM,
3 DDS, MSD, INC., as plan administrator; 1101 Maidu Drive, Auburn, California, 95603, on
4 behalf of themselves and others similarly situated (“Plaintiffs”) and Defendants THE
5 VARIABLE ANNUITY LIFE INSURANCE COMPANY (VALIC); VALIC FINANCIAL
6 ADVISORS, INC.; VALIC RETIREMENT SERVICES COMPANY; 2929 Allen Parkway,
7 Houston, Texas, 77019, (collectively “VALIC Defendants”), by and through their respective
8 counsel, as follows:

9 1. The VALIC Defendants were served with Plaintiffs’ Complaint [Doc. 1 filed in this
10 action] (“the Complaint”) on January 5, 2021 and their response to the Complaint was due on
11 January 26, 2021;

12 2. Plaintiffs and the VALIC Defendants agreed and stipulated to an extension, to and
13 including February 22, 2021, for the VALIC Defendants to answer or otherwise respond to the
14 Complaint [Doc. 8];

15 3. Lead trial counsel for the VALIC Defendants, David T. McDowell, lives and works in
16 Houston, Texas, as do the attorneys and employees for the VALIC Defendants who are assisting
17 with the preparation of the VALIC Defendants’ responses to the Complaint;

18 4. Mr. McDowell and the relevant attorneys and employees of the VALIC Defendants
19 have been unable to go to their offices in Houston this week (February 16 through 17) due to
20 severe weather conditions in Houston, and they have been unable to adequately work from home
21 due to ongoing service disruptions including the loss of power, heat and water;

22 5. For these reasons, the parties agree that the VALIC Defendants shall have a second
23 extension to and including **March 1, 2021** to answer or otherwise respond to the Complaint; and

24 6. This extension will not alter the date of any event or deadline already fixed by Court
25 order.

1 Dated: February 17, 2021

McDOWELL HETHERINGTON LLP

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3 By: /S/ Charan M. Higbee

4 David T. McDowell
5 Charan M. Higbee

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7 Attorneys for Defendants THE VARIABLE
8 ANNUITY LIFE INSURANCE COMPANY,
9 VALIC FINANCIAL ADVISORS, INC, and
10 VALIC RETIREMENT SERVICES COMPANY

11 Dated: February 17, 2021

BAKER CURTIS & SCHWARTZ, P.C.

12 By: /S/ Michael Curtis

13 Chris Baker
14 Michael Curtis

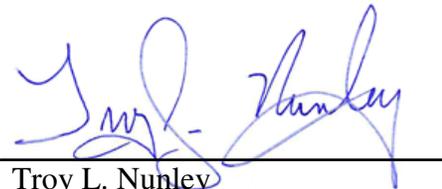
15 David F. Crutcher
16 Law Office of David F. Crutcher

Attorneys for Plaintiffs

17 **ORDER**

18 Pursuant to the above stipulation of the parties and good cause having been shown, IT IS
19 SO ORDERED

20 Dated: February 17, 2021

21 

22 Troy L. Nunley
23 United States District Judge