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9 Attorneys for Defendants,
10 JP Morgan Retirement Services, LLC dba JP
11 Morgan Compensation and Benefit Strategies,
12 as Successor in Interest to CCA Strategies
13 LLC, and Chicago Actuaries, LLC

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA- SAN FRANCISCO DIVISION

16 SHARTSIS FRIESE LLP,

17 Plaintiff,

18 v.

19 JP MORGAN RETIREMENT
20 SERVICES, LLC dba JP MORGAN
21 COMPENSATION AND BENEFIT
22 STRATEGIES as Successor in Interest of
23 CCA STRATEGIES LLC and CHICAGO
24 CONSULTING ACTUARIES, LLC and
25 DOES 1-10,

26 Defendants.

Case No. CV-08-01064 (SC)

27 **STIPULATION AND ~~PROPOSED~~ ORDER
28 ALLOWING DEFENDANT TO FILE
AMENDED ANSWER TO FIRST AMENDED
COMPLAINT**

Courtroom: 1, 17th Floor
Judge: Hon. Samuel Conti
Complaint Filed: January 24, 2008
Trial Date: June 9, 2009

29 WHEREAS, Defendant, JP Morgan Retirement Services, LLC dba JP Morgan
30 Compensation and Benefit Strategies, as Successor in Interest to CCA Strategies LLC, and
31 Chicago Actuaries, LLC (hereinafter "JP Morgan") has already filed its Answer in the instant
32 case; and

33 WHEREAS, the parties have met and conferred concerning JP Morgan's request to
34 amend its Answer to assert a statute of limitations defense;

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THE PARTIES HEREBY STIPULATE that JP Morgan may file an Amended Answer in the instant action and add statute of limitations as an affirmative defense to the claims set forth in the First Amended Complaint.


KLINEDINST PC

DATED: December 11, 2008

By: 
JOHN D. KLINEDINST
CONNIE M. ANDERSON
Attorneys for Defendant,
JP Morgan Retirement Services, LLC dba JP
Morgan Compensation and Benefit Strategies,
as Successor in Interest to CCA Strategies
LLC, and Chicago Actuaries, LLC

SHARTSIS FRIESE LLP


DATED: December 12, 2008

By: 
MARY JO SHARTSIS
LISA A. JACOBS
Attorneys for Plaintiff,
Shartsis Friese LLP

ORDER

Pursuant to the Stipulation, above, and good cause appearing therefore,
IT IS HEREBY ORDERED that: Defendant may file an Amended Answer to Plaintiff's First Amended Complaint and assert the additional defense of statute of limitations. Defendant's Amended Answer shall be filed and served no later than January 23, 2009.

DATED: December 17, 2008

By: 
UNITED STATES DISTRICT COURT
SAMUEL CONTI
Judge Samuel Conti

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CERTIFICATE OF SERVICE

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STATE OF CALIFORNIA)
)
COUNTY OF LOS ANGELES)

I declare that:

I am and was at the time of service of the papers herein, over the age of eighteen (18) years and am not a party to the action. I am employed in the County of Los Angeles, California, and my business address is 777 S. Figueroa St., 47th Floor, Los Angeles, California 90017.

On **December 12, 2008**, I caused to be served the following documents:

STIPULATION AND [PROPOSED] ORDER ALLOWING DEFENDANT TO FILE AMENDED ANSWER TO FIRST AMENDED COMPLAINT

- BY REGULAR MAIL:** I caused such envelopes to be deposited in the United States mail, at Los Angeles, California, with postage thereon fully prepaid, individually, addressed to the parties as indicated. I am readily familiar with the firm's practice of collection and processing correspondence in mailing. It is deposited with the United States postal service each day and that practice was followed in the ordinary course of business for the service herein attested to. (Fed. R. Civ. P. 5(b)(2)(B).)
- BY OVERNIGHT SERVICE:** I caused such envelopes to be delivered by Overnight/Express Mail Delivery to the addressee(s) noted in this Certificate of Service.
- BY ELECTRONIC FILING SERVICE:** Complying with Fed. R.Civ. P. 5(b)(2)(D), my electronic business address is dcarrillo@klinedinstlaw.com and I caused such document(s) to be electronically served for the above-entitled case to those parties on the Service List below. The file transmission was reported complete and a copy will be maintained with the original document(s) in our office.

I declare that I am employed in the office of a member of the bar of this Court, at whose direction the service was made.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 12, 2008, at Los Angeles, California.


Sandra Dunlap

SERVICE LIST
Friese v. JP Morgan Chase & Co., et al.
Case No.: CV-08-01064 (SC)

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