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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

11 KEN LEWIS,)
 12) Plaintiff,)
 13 v.)
 14 THE CCPOA BENEFIT TRUST FUND;)
 et al.,)
 15) Defendants.)
 16 _____)

Case No. C 08-3228 VRW
**STIPULATION AND [PROPOSED]
 ORDER GRANTING LEAVE TO FILE
 SECOND AMENDED COMPLAINT**

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 18 Plaintiff Ken Lewis and Defendants The CCPOA Benefit Trust Fund Health and
 19 Welfare Plan (“Plan”), The CCPOA Benefit Trust Fund (“Fund”), The Trust’s Administrator
 20 of the CCPOA Benefit Trust Fund (“Trust’s Administrator”), and The Board of Trustees of
 21 the CCPOA Benefit Trust Fund (“Trustees”) hereby stipulate and request that the Court order
 22 as follows:

23 1. Under the terms of the Stipulation re: Dismissal of Second Cause of Action
 24 (Without Prejudice) filed with this Court on October 1, 2008, Plaintiff was granted leave to file
 25 a First Amended Complaint by October 15, 2008 and the Fund was required to file a
 26 responsive pleading by October 30, 2008.

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