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 22 and MICHAEL S. BOWLES

23 **UNITED STATES DISTRICT COURT**
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25 SARA G. MAURER,

26 Plaintiff,

27 v.

28 RELIANCE STANDARD LIFE
 INSURANCE COMPANY; MICHAEL S.
 BOWLES; and DOES 1 through 20,

Defendants.

) Case No. C-08-04109 MMC

) **STIPULATION AND ~~PROPOSED~~ ORDER RE:**
) **AMENDING THE PLEADINGS; SETTING**
) **DEADLINE TO FILE AMENDED COMPLAINT**

29 Plaintiff Sara G. Maurer ("Plaintiff") originally filed this Action in the Superior
 30 Court of the State of California for the County of Marin, alleging state law causes of
 31 action for breach of contract, breach of the covenant of good faith and fair dealing,
 32 fraud, negligent misrepresentation, breach of fiduciary duty, and professional

1 negligence. Defendants Reliance Standard Life Insurance Company and Michael S.
2 Bowles ("Defendants") removed this Action to the District Court for the Northern District
3 of California, and answered the Complaint, alleging *inter alia* that Plaintiff's state law
4 claims are preempted by the Employee Retirement Income Security Act of 1974
5 ("ERISA"), 29 U.S.C. § 1001 *et seq.*

6 In order to facilitate further prosecution of this Action, the parties hereby
7 stipulate that the pleadings may be amended as follows:

8 1. Plaintiff's Complaint on file herein may be deemed to allege claims for
9 relief as provided under 29 U.S.C. §§ 1132 (a)(1)(B) and (a)(3), including claims
10 for ERISA benefits, attorney's fees, and other appropriate equitable relief.

11 2. Defendants' Answer on file herein may be deemed to dispute all material
12 allegations of the Complaint; to dispute that Plaintiff's Complaint states a viable
13 claim for relief under 29 U.S.C. §§ 1132 (a)(1)(B) and/or (a)(3); and to dispute
14 that Plaintiff is entitled to any relief or recovery in this Action.

15 3. Michael S. Bowles is hereby dismissed with prejudice as a defendant in
16 this Action.

17 4. The Law Offices of Sara G. Maurer Long Term Disability Plan is hereby
18 added as a Defendant with respect to Plaintiff's claim for ERISA benefits.

19 DATED: November 25, 2008

PILLSBURY & LEVINSON

20

By: /s/ Rebecca Grey
Rebecca Grey

21

Attorneys for Plaintiff
SARA G. MAURER

22

23 DATED: November 25, 2008

GREEN & HUMBERT

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By: /s/ Horace W. Green
Horace W. Green

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Attorneys for Defendants
RELIANCE STANDARD LIFE
INSURANCE CO. and MICHAEL S.
BOWLES

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ORDER

Having reviewed the Stipulation of the parties, and good cause appearing, the Court hereby **ORDERS** as follows:

1. Plaintiff's Complaint on file herein may be ~~deemed~~^{amended} to allege claims for relief as provided under 29 U.S.C. §§ 1132 (a)(1)(B) and (a)(3), including claims for ERISA benefits, attorney's fees, and other appropriate equitable relief.


2. Defendants' Answer on file herein may be deemed to dispute all material allegations of the ^{Amended} Complaint; to dispute that Plaintiff's Complaint states a viable claim for relief under 29 U.S.C. §§ 1132 (a)(1)(B) and/or (a)(3); and to dispute that Plaintiff is entitled to any relief or recovery in this Action.

3. Michael S. Bowles is hereby dismissed with prejudice as a defendant in this Action.

4. The Law Offices of Sara G. Maurer Long Term Disability Plan ~~is hereby~~^{may be} added as a Defendant with respect to Plaintiff's claim for ERISA benefits.

5. Plaintiff's Amended Complaint shall be filed on or before December 19, 2008.

Dated: November 26, 2008


Maxine M. Chesney
United States District Court Judge