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24 **UNITED STATES DISTRICT COURT**  
25 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
26 **SAN FRANCISCO DIVISION**

27 **CEDRIC BRADY, DR. CHARLES**  
28 **HOVDEN, MARION HOVDEN,**  
29 **DR. EUGENE KREPS, DR. JOHN**  
30 **McNAMARA, DR. HISAJI SAKAI, and**  
31 **JEAN SAKAI, Individually and On Behalf**  
32 **Of All Others Similarly Situated,**

33 **Plaintiffs,**

34 **v.**

35 **CONSECO, INC. and CONSECO LIFE**  
36 **INSURANCE COMPANY,**

37 **Defendants.**

38 ) **Case No.: 3:08-CV-05746-SI**

39 ) **STIPULATION AND PROPOSED**  
40 ) **ORDER EXTENDING TIME TO**  
41 ) **RESPOND TO THE MOTION TO**  
42 ) **DISMISS**

1  
2 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Charles Hovden, Marion  
3 Hovden, Eugene Kreps, John McNamara, Hisahi Sakai and Jean Sakai (“Plaintiffs”) filed a Class  
4 Action Complaint against Conseco, Inc. and Conseco Life Insurance Company (“Defendants”).  
5

6 WHEREAS on March 6, 2009, Defendants filed a Motion to Dismiss the Plaintiffs’  
7 Complaint. The Plaintiffs’ response is currently due April 10, 2009, and a hearing is scheduled  
8 for May 1, 2009.

9 WHEREAS Plaintiffs have requested and Defendants have agreed to extend by two  
10 weeks the date on which the Plaintiffs’ response will be due and the date on which a hearing will  
11 be scheduled.  
12

13 IT IS THEREFORE STIPULATED AND AGREED, by and between the undersigned,  
14 that, subject to this Court’s approval, Defendants will move this Court to dismiss the Plaintiffs’  
15 Complaint on May 15, 2009, or as soon thereafter as the matter may be heard, and accordingly,  
16 the Plaintiffs response to the Motion to Dismiss will be due on or before April 24, 2009.  
17  
18

19 Dated: March 27, 2009

Millstein & Associates

20 By: /s/ David J. Millstein  
21 David J. Millstein  
22 Attorneys for Plaintiffs

23 Dated: March 27, 2009

Gilbert Oshinsky LLP

24 By: /s/ August J. Matteis Jr.  
25 August J. Matteis Jr.  
26 Attorneys for Plaintiffs

27 Dated: March 27, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

28 By: /s/ David S. Clancy  
David S. Clancy  
Attorneys for Defendants

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Benjamin R. Davidson, am the ECF User whose ID and password are being used to file this Stipulation Extending Time to Respond to the Motion to Dismiss. In compliance with General Order 45.X.B, I hereby attest that the concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 27th day of March 2009, at Washington, DC.

By: /s/ Benjamin R. Davidson

Benjamin R. Davidson

PURSUANT TO STIPULATION IT IS SO ORDERED.

Dated:

By: \_\_\_\_\_



Hon. Susan Illston