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11 Attorneys for Defendants
 CONSECO, INC. and CONSECO LIFE INSURANCE COMPANY

12
 13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 CEDRIC BRADY, DR. CHARLES)
 HOVDEN, MARION HOVDEN, DR.)
 17 EUGENE KREPS, DR. JOHN McNAMARA,)
 DR. HISAJI SAKAI, and JEAN SAKAI,)
 18 Individually and On Behalf Of All Others)
 Similarly Situated,)

19)
 20 Plaintiffs,)

21 v.)

22 CONSECO, INC. and CONSECO LIFE)
 INSURANCE COMPANY,)

23 Defendants.)
 24)
 25)
 26)

CASE NO.: 3:08-CV-05746-SI

**STIPULATION AND PROPOSED
 ORDER EXTENDING TIME TO
 ANSWER, MOVE, OR OTHERWISE
 RESPOND TO THE AMENDED
 COMPLAINT**

1 WHEREAS on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden,
2 Marion Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the
3 "Plaintiffs") filed a Complaint against defendants Conseco, Inc. and Conseco Life Insurance
4 Company (the "Defendants," referred to collectively with the Plaintiffs as the "Parties"), in the San
5 Francisco Division of the United States District Court for the Northern District of California (the
6 "Complaint"). On January 9, 2009, Plaintiffs served a summons and Complaint on each of the
7 Defendants;

8 WHEREAS on March 6, 2009, the Defendants filed a motion to dismiss the
9 Complaint (Docket No. 32);

10 WHEREAS pursuant to stipulation and the Court's Order, Plaintiffs' response to the
11 motion to dismiss was due on or before April 24, 2009 (Docket No. 49). On April 23, 2009, the
12 Plaintiffs filed with the Court an Amended Complaint (Docket No. 51);

13 WHEREAS the Defendants hereby withdraw their motion to dismiss in light of the
14 filing of the Amended Complaint;

15 WHEREAS Defendants have requested and Plaintiffs have agreed to extend the date
16 by which Defendants shall be required to answer, move or otherwise respond to the Amended
17 Complaint to and including May 29, 2009;

18 IT IS THEREFORE STIPULATED AND AGREED, by and between the
19 undersigned, that, subject to this Court's approval, Defendants shall have to and including May 29,
20 2009, within which to answer, move, or otherwise respond to the Amended Complaint.

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DATED: April 24, 2009

Millstein & Associates

By: /s/ David J. Millstein
David J. Millstein
Attorneys for Plaintiffs

DATED: April 24, 2009

Gilbert Oshinsky LLP

By: /s/ August J. Matteis, Jr.
August J. Matteis, Jr.
Attorneys for Plaintiffs

DATED: April 24, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

By: /s/ David S. Clancy
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James R. Carroll (Admitted *Pro Hac Vice*)
David S. Clancy (Admitted *Pro Hac Vice*)
Cale P. Keable (Admitted *Pro Hac Vice*)
Attorneys for Defendants
Conseco, Inc. and Conseco Life Insurance Company

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, David S. Clancy, am the ECF User whose ID and password are being used to file this Stipulation And Proposed Order Extending Time To Answer, Move, Or Otherwise Respond To The Amended Complaint. In compliance with General Order 45.X.B, I hereby attest that 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 24th day of April 2009, at New York, New York.

By: /s/ David S. Clancy
David S. Clancy

PURSUANT TO STIPULATION IT IS SO ORDERED,

Dated: By: 
Hon. Susan Illston