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 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)	CASE NO.: 3:08-CV-05746-SI
HOVDEN, MARION HOVDEN, DR.)	
17 EUGENE KREPS, DR. JOHN McNAMARA,)	
DR. HISAJI SAKAI, and JEAN SAKAI,)	STIPULATION AND PROPOSED
18 Individually and On Behalf Of All Others)	ORDER ESTABLISHING BRIEFING
Similarly Situated,)	SCHEDULE AND CASE
19)	MANAGEMENT CONFERENCE
Plaintiffs,)	
20)	
v.)	
21)	
CONSECO, INC. and CONSECO LIFE)	
22 INSURANCE COMPANY,)	
23)	
Defendants.)	
24)	
25)	
26)	

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 April 23, 2009, the Plaintiffs filed with the Court an Amended
9 Complaint (Docket No. 51);

10 WHEREAS on April 24, 2009, the Parties filed with the Court a Stipulation
11 Extending Time To Answer, Move, Or Otherwise Respond To The Amended Complaint (Docket
12 No. 52) requesting that the date by which Defendants must answer, move, or otherwise respond to
13 the Complaint be extended to and including May 29, 2009, and the Court granted such relief by
14 Order dated April 29, 2009 (Docket No. 54);

15 WHEREAS Plaintiffs have requested and Defendants have agreed to extend the date
16 by which Plaintiffs shall be required to oppose any motion, including a motion to dismiss, brought
17 by Defendants in response to the Amended Complaint to and including June 30, 2009;

18 WHEREAS Defendants have requested and Plaintiffs have agreed to extend the date
19 by which Defendants may reply in further support of any motion, including a motion to dismiss,
20 brought by Defendants in response to the Amended Complaint to and including July 17, 2009;

21 WHEREAS the Parties have conferred and agree that the earliest date a motion,
22 including a motion to dismiss, brought by Defendants in response to the Amended Complaint may
23 be noticed to be heard by the Court consistent with the above schedule is July 31, 2009, or such
24 other date that the Court finds suitable; and

25 WHEREAS the Parties have conferred and agree that the interests of the Parties and
26 judicial economy would be best served if the Case Management Conference currently scheduled
27 for May 15, 2009 shall also be held on July 31, 2009, or such other date that the Court finds
28 suitable;

1 IT IS THEREFORE STIPULATED AND AGREED, by and between the
2 undersigned, that, subject to this Court's approval, Plaintiffs shall have to and including June 30,
3 2009, within which to oppose any motion, including a motion to dismiss, brought by Defendants in
4 response to the Amended Complaint and Defendants' reply thereto, if any, shall be filed no later
5 than July 17, 2009.

6 IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned,
7 that, subject to this Court's approval, a hearing on any motion, including a motion to dismiss,
8 brought by Defendants in response to the Amended Complaint shall be held July 31, 2009, or as
9 soon thereafter as Defendants may be heard.

10
11 IT IS FURTHER STIPULATED AND AGREED, by and between the undersigned,
12 that, subject to this Court's approval, the Case Management Conference currently scheduled for
13 May 15, 2009 shall be held on July 31, 2009, or as soon thereafter as is convenient for the Court.

14 ACCORDINGLY, subject to this Court's approval, the briefing and Case
15 Management Conference schedule shall be as follows:

16	June 30, 2009	Last day for Plaintiffs to oppose any motion, including a motion to dismiss, brought by Defendants in response to the Amended Complaint
17		
18	July 17, 2009	Last day that Defendants may reply in further support of any such motion
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20	July 31, 2009 AT 9 A.M.	Hearing on any such motion
21	July 31, 2009 AT 2:30 P.M.	Case Management Conference

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DATED: May 6, 2009

Millstein & Associates

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

DATED: May 6, 2009

Gilbert Oshinsky LLP

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

DATED: May 6, 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*)
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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 Establishing Briefing Schedule And Case Management Conference. 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 6th day of May 2009, at Boston, Massachusetts.

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

PURSUANT TO STIPULATION IT IS SO ORDERED,

Dated: By: _____
Hon. Susan Illston