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 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 Plaintiffs,)
 20)

21 v.)
 22)

CONSECO, INC. and CONSECO LIFE)
 22 INSURANCE COMPANY,)
 23)

Defendants.)
 24)
 25)
 26)
 27)
 28)

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

**STIPULATION AND PROPOSED
 ORDER EXTENDING THE DATE FOR
 PLAINTIFFS TO AMEND THEIR
 COMPLAINT**

1 WHEREAS, on December 24, 2008, plaintiffs Cedric Brady, Dr. Charles Hovden, Marion
 2 Hovden, Dr. Eugene Kreps, Dr. John McNamara, Dr. Hisaji Sakai, and Jean Sakai (the "Plaintiffs")
 3 filed a Complaint against defendants Consecos, Inc. and Consecos Life Insurance Company
 4 ("Consecos Life" or "Defendant," referred to collectively with the Plaintiffs as the "Parties"), in the
 5 San Francisco Division of the United States District for the Northern District of California (the
 6 "Complaint").

7 WHEREAS, on April 23, 2009, the Plaintiffs filed an Amended Complaint (Docket No. 51);

8 WHEREAS, on May 29, 2009, Consecos, Inc. and Consecos Life Insurance Company filed a
 9 Motion to Dismiss the Amended Complaint (Docket No. 58);

10 WHEREAS, on July 29, 2009, the Court entered an Order Granting In Part And Denying In
 11 Part Consecos, Inc.'s and Consecos Life Insurance Company's Motion to Dismiss (Docket No. 64),
 12 which states, in part, "If plaintiffs wish to file an amended complaint to allege facts in support of
 13 their claims for breach of fiduciary duty and in support of their contention that this Court has
 14 personal jurisdiction over Consecos, Inc., they shall do so by October 1, 2009";

15 WHEREAS, the Parties are engaged in discovery regarding these matters, and others; and
 16 the Plaintiffs have noticed depositions of Consecos, Inc. and Consecos Life Insurance Company;

17 WHEREAS, the Parties have conferred and agree that additional time is needed to conduct
 18 discovery on issues that will impact the content of the Plaintiffs' amended Complaint; and

19 WHEREAS, this extension will not impact other events and/or deadlines in this action;

20 IT IS HEREBY STIPULATED AND AGREED, by the undersigned Parties that the
 21 deadline for the Plaintiffs to amend their Complaint shall be extended to November 9, 2009.

22 (Consecos, Inc. and Consecos Life reserve all rights with respect to any amended Complaint,
 23 including the right to move to dismiss any new claims pursuant to the Rule 12 of the Federal Rules
 24 of Civil Procedure.)

1 DATED: September 18, 2009

Millstein & Associates

2
3 By: /s/ David J. Millstein

David J. Millstein
Attorneys for Plaintiffs

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5 DATED: September 18, 2009

Gilbert LLP

6
7 By: /s/ August J. Matteis, Jr.

August J. Matteis, Jr.
Attorneys for Plaintiffs

8
9 DATED: September 18, 2009

Skadden, Arps, Slate, Meagher & Flom LLP

10
11 By: /s/ David S. Clancy

Raoul D. Kennedy
James R. Carroll (Admitted *Pro Hac Vice*)
David S. Clancy (Admitted *Pro Hac Vice*)
Cale P. Keable (Admitted *Pro Hac Vice*)
Attorneys for Defendant
Conseco Life Insurance Company

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15 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

16 I, David S. Clancy, am the ECF User whose ID and password are being used to file
17 this Stipulation And Proposed Order Establishing Briefing Schedule And Case Management
18 Conference. In compliance with General Order 45.X.B, I hereby attest that concurrence in the
19 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.

20 Executed this 18 day of September, 2009, at Boston, Massachusetts.

21 By: /s/ David S. Clancy

David S. Clancy

22
23 PURSUANT TO STIPULATION, IT IS SO ORDERED,

24 Dated:

By: 

Hon. Susan Illston