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4 Attorney for Plaintiff
 5 SYED NAWAB

6
 7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
 10 SYED NAWAB,

NO. CV 08-5750 VRW

11 Plaintiff,

STIPULATION RE: PENDING
 MOTIONS AND FOR FILING OF
 SECOND-AMENDED COMPLAINT;
 ORDER THEREON

12 v.

13 MARKEL INSURANCE COMPANY, and DOES
 14 1 to 5, inclusive,

15 Defendants.

16
 17 IT IS HEREBY STIPULATED by and between the parties hereto
 18 through their respective attorneys of record that:

19 1. Plaintiff Nawab withdraws his pending Motion to Remand
 20 and agrees not to seek a remand at any point throughout the
 21 pendency of this case.

22 2. Defendant Markel withdraws its pending Motion to Dismiss.

23 3. Plaintiff Nawab may file a Second-Amended Complaint.

24 4. Defendant Markel will not file a motion to dismiss
 25 Nawab's Second-Amended Complaint, or any other motion under Rule
 26 12(b)(6). However, such stipulation shall not prevent Markel
 27 from filing a motion for summary judgment or other post-complaint
 28 motion challenging the sufficiency of Nawab's allegations against
 Markel.

STIPULATION

1 5. Defendant Markel waives notice and service of the second-
2 amended complaint. The second-amended complaint is deemed served
3 on the date the Order on this Stipulation is signed by the Court,
4 and defendant Markel will file an Answer to Nawab's
5 Second-Amended Complaint and a Counterclaim within the prescribed
6 time period.

7 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

8 DATED: 3/27/09 LAW OFFICES OF MICHAEL PIERCE SINGSEM

9
10 By: 
11 MICHAEL PIERCE SINGSEM

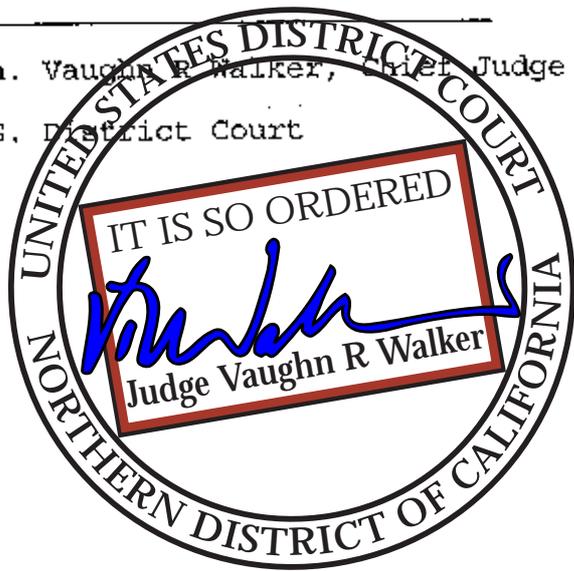
12
13 DATED: 03/27/09 BERMAN, BERMAN & BERMAN, LLP

14
15 By: 
16 SPENCER A. SCHNEIDER

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

18 Dated: March 31, 2009

19 _____
20 Hon. Vaughn R. Walker, Chief Judge
21 U.S. District Court



PROOF OF SERVICE

I, the undersigned, declare:

I am over the age of eighteen years and am not a party to the within entitled action. I am employed in the County of San Francisco, and my business address is: 637 Carolina Street, San Francisco, CA 94107.

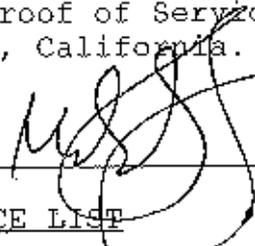
On the date last written below I caused the following document(s):

STIPULATION RE: PENDING MOTIONS AND FOR FILING OF SECOND AMENDED COMPLAINT

to be delivered on the parties, through their attorneys of record by placing true and correct copies thereof in sealed envelopes addressed as shown on the attached Service List for service as designated below:

 x (By electronic mail) I caused such documents to be delivered to the office of the addressee by electronic mail to the email address stated on the service list.

I declare under penalty of perjury that the foregoing is true and correct and that this Proof of Service was executed this March 27, 2009, at San Francisco, California.



SERVICE LIST

Nawab v. Markel Insurance Company
U.S. District Court Northern District

Action No. CV 08-5750-VRW

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