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CASE NO. CV 09-0134 SBA

JOINT STIPULATION AND ORDER TO REASSIGN CASE TO THE HONORABLE JOSEPH C. SPERO

Hon. Sandra B. Armstrong
Complaint Filed: January 12, 2009

8 ALLEN MATKINS LECK GAMBLE
 9 MALLORY & NATSIS LLP
 10 Alan B. Clark (Bar No. 64779)
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Trial Date: February 7, 2011

16 Attorneys for Defendant
 17 AMERICO FINANCIAL LIFE AND
 18 ANNUITY INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

19 JENNIFER WINBERY, ALICE M.
 20 BURKE, CONSTANTINO M.
 21 AGUILAR, DONNA A. HOFFART and
 22 RONALD J. HOFFART, on behalf of
 23 themselves and all others similarly
 24 situated,

Plaintiffs,

vs.

25 AMERICO FINANCIAL LIFE AND
 26 ANNUITY INSURANCE
 27 COMPANY, EQUITA FINANCIAL
 28 AND INSURANCE SERVICES and
 DOES 1 through 100,
 Defendants.

1 **STIPULATION**

2 WHEREAS, on January 12, 2009, Jennifer Winbery, et al.
3 ("Plaintiffs") filed a Class Action Complaint against Americo Financial Life and
4 Annuity Insurance Co. and Equita Financial and Insurance Services (collectively,
5 "Defendants") for (1) Fraud; (2) Unfair Business Practices; and (3) Rescission and
6 Restitution in the above-captioned action;

7 WHEREAS, trial is currently scheduled for February 7, 2011 in this
8 Court;

9 WHEREAS, pursuant to Civil Local Rule 73-1(b), the parties consent to
10 the Court reassigning the case to a magistrate judge for all purposes, including entry
11 of final judgment;

12 WHEREAS, the parties request reassignment to the Honorable Joseph
13 C. Spero, Magistrate Judge in the U.S. District Court, Northern District of
14 California;

15 WHEREAS, the parties plan to timely submit an agreed-upon
16 schedule to Magistrate Judge Spero upon reassignment;

17 IT IS HEREBY STIPULATED AND AGREED, by and between
18 Plaintiffs and Defendants through their respective counsel, as follows:

19 1. This action is hereby reassigned, for all purposes, to the
20 Honorable Joseph C. Spero, Magistrate Judge in the U.S. District Court, Northern
21 District of California;

22 2. All dates previously set in this action are ordered vacated and
23 off calendar.

24 The parties respectfully request that the Court enter its Order in
25 accordance herewith.

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2 Dated: April //, 2010

LATHAM & WATKINS LLP
Ethan J. Brown

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4 ALLEN MATKINS LECK GAMBLE
5 MALLORY & NATSIS LLP
6 Alan B. Clark

7 By: 
8 Ethan J. Brown

9 Attorney for Defendant
10 AMERICO FINANCIAL LIFE AND
11 ANNUITY INSURANCE COMPANY

12 Dated: April 11, 2010

STRASBURGER & PRICE LLP
CARICO RICE TOOMEY LLP

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15 By: ac-ott a^o

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16 Attorney for Defendant
17 EQUITA FINANCIAL AND INSURANCE
18 SERVICES

19
20 Dated: April ____, 2010

CASPER, MEADOWS,
SCHWARTZ & COOK
Michael D. Meadows
CORNERSTONE LAW GROUP
Gordon W. Renneisen

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25 97,\)--,4 By: J—

26 Attorney for Plaintiffs JENNIFER
27 WINBÉRY, ET AL.


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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 20, 2010



Honorable Sandra B. Armstrong
United States District Judge