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10 Attorneys for Plaintiffs and all others  
 11 similarly situated

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

15 JENNIFER WINBERY, ALICE M.  
 16 BURKE, CONSTANTINO M.  
 17 AGUILAR, DONNA A. HOFFART and  
 18 RONALD J. HOFFART, on behalf of  
 themselves and all others similarly  
 situated,

19 Plaintiffs,

20 vs.

21 AMERICO FINANCIAL LIFE AND  
 22 ANNUITY INSURANCE COMPANY,  
 23 EQUITA FINANCIAL AND  
 INSURANCE SERVICES and DOES 1  
 through 100,

24 Defendants.

CASE NO. CV 09-0134 JCS

**JOINT STIPULATION AND  
 [PROPOSED] ORDER  
 REGARDING SCHEDULING AND  
 SETTING CASE MANAGEMENT  
 CONFERENCE**

Hon. Joseph C. Spero

Complaint Filed: January 12, 2009

Trial Date: September 12, 2011

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1 The parties to the above-entitled action, plaintiffs Jennifer Winbery, Alice M.  
2 Burke, Constantino M. Aguilar, Donna A. Hoffart and Ronald J. Hoffart, on behalf of  
3 themselves and all others similarly situated (“Plaintiffs”), defendant Americo Financial  
4 Life and Annuity Insurance Company (“Americo”) and defendant Equita Financial and  
5 Insurance Services (“Equita”), hereby submit this Stipulation and Proposed Order.

6 **WHEREAS:**

7 1. Plaintiffs and Americo have entered into a settlement that will certify a  
8 settlement class and fully resolve all claims asserted in this action – including all claims  
9 asserted against Equita by Plaintiffs.

10 2. In order to implement the settlement, Plaintiffs and Defendants anticipate  
11 executing a Stipulation of Settlement, submitting the settlement to the Court for  
12 preliminary approval, providing notice of the settlement to the settlement class, and,  
13 ultimately, moving the Court for final approval of the settlement.

14 3. The fact that the settlement will fully resolve all claims asserted in this action  
15 moots the deadlines previously set by the Court – including the January 26, 2011  
16 deadline for Plaintiffs to file a motion for class certification.

17 4. The parties believe that, before submitting any request for preliminary approval  
18 of the settlement, it would be useful to have a Case Management Conference with the  
19 Court to discuss the settlement and the Court’s preferences regarding the submission of  
20 the request for preliminary approval.

21 **THEREFORE**, the Parties jointly, by and through their undersigned counsel,  
22 **HEREBY STIPULATE AND AGREE** to the following:

23 1. The January 26, 2011 deadline for Plaintiffs to file a motion for class  
24 certification, and all other dates for briefing and hearing a motion for class certification,  
25 shall be vacated.

26 2. A Case Management Conference shall be set for February 4, 2011 at 1:30 p.m.

27 3. The parties will file a revised and updated joint Case Management Conference  
28 Statement on January 28, 2011.

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Dated: January 24, 2011

LATHAM & WATKINS LLP  
Ethan J. Brown  
ALLEN MATKINS LECK GAMBLE  
MALLORY & NATSIS LLP  
Alan B. Clark

By: /s/ Alan B. Clark  
Ethan J. Brown

Attorney for Defendant  
AMERICO FINANCIAL LIFE AND  
ANNUITY INSURANCE COMPANY

Dated: January 24, 2011

STRASBURGER & PRICE LLP  
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CARICO RICE TOOMEY LLP  
Philip A. Toomey  
Stuart Johnson

By: /s/ Scott A. Shanes  
Scott A. Shanes

Attorney for Defendant  
EQUITA FINANCIAL AND INSURANCE  
SERVICES

Dated: January 24, 2011

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

By: /s/ Gordon W. Renneisen  
Gordon W. Renneisen

Attorneys for Plaintiffs and all others  
similarly situated

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 01/25, 2011

Honorable Joseph C. Spero  
United States District Judge

