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22 Attorneys for Defendants
23 ALLSTATE INSURANCE COMPANY,
24 ALLSTATE INDEMNITY COMPANY,
25 BRIAN HAR and IRA SPRATLEY

26 UNITED STATES DISTRICT COURT
27 NORTHERN DISTRICT OF CALIFORNIA
28 SAN FRANCISCO DIVISION

29 TYLER SMITH,
30
31 Plaintiff,

32 vs.

33 ALLSTATE INSURANCE COMPANY, an
34 Illinois Corporation; ALLSTATE
35 INDEMNITY COMPANY, an Illinois
36 Corporation; BRIAN HAR, an individual;
37 IRA SPRATLEY, an individual, and DOES
38 1 TO 50 inclusive
39 Defendants.

No. CV 10 0407 SI

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING PLAINTIFF'S
FIRST AMENDED COMPLAINT AND
RESPONSIVE PLEADINGS TO SAME**

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Plaintiff Tyler Smith and Defendants Allstate Insurance Company, Allstate Indemnity Company, Brian Har, and Ira Spratley (collectively “Defendants”), hereby stipulate to the following:

1. Pursuant to the Court’s March 9, 2010 order, Plaintiff will file a first amended complaint. The first amended complaint will differ in some respects from the proposed first amended complaint attached to the declaration of Scott Woodall, filed with this Court on March 4, 2010. The differences are not substantial and do not involve alleging additional facts.
2. On March 12, 2010, Plaintiff’s counsel prepared a draft of the revised first amended complaint and sent that document to Defendant’s counsel.
3. Defendants’ counsel reviewed the revised first amended complaint they received on March 12, and do not object to Plaintiff filing that complaint instead of the one attached to Mr. Woodall’s March 4, 2010 declaration. Defendants dispute, however, that Plaintiff is entitled to a jury trial, as noted in the revised complaint.
4. The answer Allstate Insurance Company and Allstate Indemnity Company filed with the Alameda County Superior Court on or about January 26, 2010 will serve as the answer to the first amended complaint.
5. Nothing in this stipulation affects the right of Brian Har and/or Ira Spratley to file a responsive pleading 21 days after filing and service of the first amended complaint.

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