

1 Julia Campins – CA State Bar No. 238023
 2 Hillary Benham-Baker – CA State Bar No. 265019
 3 CAMPINS BENHAM-BAKER, LLP
 4 935 Moraga Road, Suite 200
 5 Lafayette, CA 94549
 6 Tel. (415) 373-5333
 7 Fax (415) 373-5334
 8 julia@cbbllp.com
 9 hillary@cbbllp.com

10 *Attorneys for Plaintiff*

11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

MARK VARNES,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY

Defendant.

AETNA LIFE INSURANCE COMPANY,

Counterclaimant,

vs.

MARK VARNES

Counterdefendant.

) Case No. 15-cv-5269 MMC

)
) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO AMEND COMPLAINT**

1 WHEREAS, Plaintiff filed his Complaint in this action on November 18, 2015,
2 Defendant filed its Answer and Counterclaims on December 24, 2015, Plaintiff filed his Answer
3 to Counterclaims on January 13, 2016 and no party has yet amended the pleadings;

4 WHEREAS, the Court has not set a deadline to amend the pleadings in this action;

5 WHEREAS, Plaintiff has recently discovered that his Life Insurance Waiver of Premium
6 benefits were also terminated in September 2014;

7 WHEREAS, Defendant has agreed to waive the exhaustion requirement for this benefits
8 claim and permit Plaintiff to amend his current Complaint immediately to add in a claim for Life
9 Insurance Waiver of Premium benefits on the basis of the current record;

10 WHEREAS, Defendant has reviewed Plaintiff's proposed First Amended Complaint
11 (attached as Exhibit 1) and do not object to Plaintiff filing it;

12 NOW, THEREFORE, all parties, through their respective counsel, stipulate that Plaintiff
13 shall be permitted to file the proposed First Amended Complaint.

14 Respectfully submitted,

15 Dated: February 29, 2016

CAMPINS BENHAM-BAKER, LLP

17 By: /s/ Julia Campins
18 Julia Campins
19 Attorneys for Plaintiff and Counterdefendant

20 Dated: February 29, 2016

GORDON REES

21 By: /s/ Jordan Altura
22 Jordan Altura
23 Attorneys for Defendant and
Counterclaimant


24 Pursuant to Local Rule 5-1(i), I hereby attest that the signatories above have concurred in
the filing of this document.

25 /s/ Julia Campins
26 Julia Campins

1 **~~PROPOSED~~ ORDER**

2 It is ordered that Plaintiff is permitted to file the proposed First Amended Complaint.

3
4 Dated: March 2, 2016

5 
6 Hon. Maxine M. Chesney
7 United States District Judge