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9 Attorneys for Defendant  
 10 JOHN S. LEIPSIC, INC.

11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**  
 13 **OAKLAND DIVISION**

KLINEDINST PC  
 801 K STREET, STE. 2800  
 SACRAMENTO, CALIFORNIA 95814

14 TARANTINOS, INC., and MACMARIN,  
 15 INC.,

16 Plaintiffs,

17 v.

18 CONSECO LIFE INSURANCE  
 19 COMPANY, JOHN S. LEIPSIC, INC.,  
 20 and DOES ONE through TEN,

21 Defendants.

Case No. CV 09 1974 SBA  
 Electronic File Only

**STIPULATION AND ORDER RE:  
 EXTENSION OF TIME FOR DEFENDANT  
 JOHN S. LEIPSIC, INC. TO FILE  
 RESPONSIVE PLEADING TO COMPLAINT**

Judge: Hon. Sandra Brown Armstrong  
 Complaint Filed: May 5, 2009 (Notice of Removal)  
 Trial Date: None set

22 Plaintiffs Tarantinos, Inc. and Macmarin, Inc. and Defendant John S. Leipsic, Inc., by  
 23 and through their respective attorneys of record, stipulate and agree as follows:

- 24 1. Plaintiffs originally filed this action in the Superior Court of the State of  
 25 California, County of San Francisco on April 3, 2009 (Case No. CGC-09-486939).
- 26 2. Defendant Consec Life Insurance Company filed a notice of removal to Federal  
 27 Court on May 5, 2009 based on fraudulent joinder.
- 28 3. Defendant John S. Leipsic, Inc. was allegedly served with the complaint on May  
 15, 2009.
4. Plaintiffs filed a Motion to Remand on June 3, 2009, the hearing for which was  
 scheduled for July 7, 2009.

1           5.       On June 8, 2009, Defendant John S. Leipsic, Inc. requested from Plaintiffs an  
2 extension of time to file its responsive pleading until after the hearing on Plaintiffs' motion to  
3 remand, as the motion may result in the case being transferred back to state court. Plaintiffs'  
4 counsel agreed to consider the request and in the meantime granted a fifteen-day extension of  
5 time to respond to until June 30, 2009.

6           6.       Plaintiffs' hearing on the motion to remand was rescheduled for September 22,  
7 2009.

8           IT IS HEREBY STIPULATED AND AGREED by and between the attorneys of record  
9 for Plaintiffs and Defendant John S. Leipsic, Inc., and pursuant to the Local Rules of Practice in  
10 Civil Proceedings before the United States District Court for the Northern District of California,  
11 Local Rules 6-1 and 7-12, that Defendant John S. Leipsic, Inc.'s time to file a responsive  
12 pleading to Plaintiffs' complaint is extended until two weeks after the order granting/denying  
13 Plaintiffs' motion to remand. The requested time modification would not have an effect on the  
14 schedule for this case, and will not alter the date of any event or deadline already fixed by the  
15 Court.

16           IT IS SO STIPULATED.

17 Dated: June 25, 2009                   COOPER, WHITE & COOPER, LLP

18  
19 By:                             /s/ Scott M. McLeod            
20                       Stephen Kaus  
21                       Scott M. McLeod  
22                       Attorneys for Plaintiffs TARANTINOS, INC. and  
23                       MACMARIN, INC.

24 Dated: June 25, 2009                   KLINEDINST PC

25  
26 By:                             /s/ Reina G. Minoya            
27                       Natalie P. Vance  
28                       Reina G. Minoya  
                      Attorneys for Defendant JOHN S. LEIPSIC, INC.

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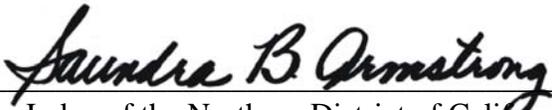
**ORDER**

The Court having read and considered the stipulation entered into by and between Plaintiffs and Defendant John S. Leipsic, Inc., and good cause appearing therefore;

PURSUANT TO STIPULATION, IT IS SO ORDERED that Defendant John S. Leipsic, Inc.'s time to file a responsive pleading to Plaintiffs' complaint is extended until two weeks after the order granting/denying Plaintiffs' motion to remand. The requested time modification will not have an effect on the schedule for this case, and will not alter the date of any event or deadline already fixed by the Court.

IT IS FURTHER ORDERED THAT Defendant's opposition to the motion to remand shall be filed no later than two (2) weeks after the date this Order is filed. Plaintiff's reply shall be due one (1) week thereafter. The hearing date on the motion to remand shall remain unchanged.

DATED: June 30, 2009

  
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Judge of the Northern District of California

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