

1 COOPER, WHITE & COOPER LLP  
STEPHEN KAUS (SBN 57454)  
2 skaus@cwclaw.com  
SCOTT M. McLEOD (SBN 242035)  
3 smcleod@cwclaw.com  
201 California Street, 17<sup>th</sup> Floor  
4 San Francisco, California 94111  
Telephone: (415) 433-1900  
5 Facsimile: (415) 433-5530

6 Attorneys for Tarantinos, Inc. and MacMarin,  
Inc.

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

12 TARANTINOS, INC., and MACMARIN,  
13 INC.,

14 Plaintiffs,

15 vs.

16 CONSECO LIFE INSURANCE COMPANY,  
17 JOHN S. LEIPSIC, INC.; and DOES ONE  
through TEN,

18 Defendants.

CASE NO. CV 09 1974 SBA

**SECOND STIPULATION AND  
PROPOSED ORDER EXTENDING  
DEADLINE TO FINALIZE  
SETTLEMENT**

Trial Date: None set

19  
20 WHEREAS this matter, which seeks reinstatement of life insurance policies, has been  
21 settled in principle,

22 WHEREAS the parties so informed the Court and on September 17, 2009, this Court  
23 issued an order dismissing the case with prejudice, but providing that "In the event that the  
24 settlement is not reached, any party may move to reopen the case and the trial will be rescheduled,  
25 provided that such motion is filed within 45 days of this order", (Docket No. 35, the "Order")

26 WHEREAS the forty-five days provided in the Order during which a motion to reopen the  
27 case may be filed would have expired on November 1, 2009,

28 WHEREAS the parties previously stipulated and the Court issued an order extending the

1 forty-five (45) day period to request reinstatement in compliance with the Order an additional  
2 thirty (30) days until December 1, 2009, (Docket No. 37)

3 WHEREAS the parties remain agreed in principle, but the parties are still evaluating issues  
4 concerning the payment of premiums that must be determined before a formal settlement  
5 agreement can be signed, and

6 WHEREAS, the parties believe that they will require an additional thirty (30) days to reach  
7 a final, formal settlement,

8 THEREFORE the parties stipulate and request the Court to issue an order extending the  
9 period to request reinstatement in compliance with the Order an additional thirty (30) days until  
10 December 31, 2009.

11 DATED: November 25, 2009

BRADLEY ARANT BOULT CUMMINGS LLP

12  
13 By: /s/ Jason A. Waters  
Jason A. Walters  
14 Attorneys for Conseco Insurance Company.

15 DATED: November 25, 2009

COOPER, WHITE & COOPER LLP

16  
17 By: /s/ Stephen Kaus  
Stephen Kaus  
18 Attorneys for Tarantinos, Inc. and MacMarin,  
Inc.

19 So ordered,

20  
21  
22 NOVEMBER 30, 2009

23 DATED: ~~October 28, 2009~~

  
24 SAUNDRA BROWN ARMSTRONG  
25 United States District Judge  
26  
27  
28