

1 LAURA GEIST (SBN 180826)  
 laura.geist@dentons.com  
 2 ANDREW S. AZARMI (SBN 241407)  
 andrew.azarmi@dentons.com  
 3 DENTONS US LLP  
 525 Market Street, 26<sup>th</sup> Floor  
 4 San Francisco, California 94105  
 Telephone: 415.882.5000  
 5 Facsimile: 415.882.0300

6 Attorneys for Defendants New York Life  
 Insurance Company and New York Life Insurance  
 7 and Annuity Corporation

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

13 NICK V. LUJAN, JAMES A. CHARLES, and  
 14 BARBARA C. WRIGHT, individually and on  
 behalf of all others similarly situated,  
 15  
 Plaintiffs,  
 16  
 v.  
 17  
 NEW YORK LIFE INSURANCE  
 18 COMPANY a New York corporation, and  
 NEW YORK LIFE INSURANCE AND  
 19 ANNUITY CORPORATION, a Delaware  
 corporation,  
 20  
 Defendants.  
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Case No. 4:16-cv-00913-JSW

**STIPULATION TO SET BRIEFING  
 SCHEDULE FOR MOTION TO DISMISS  
 COMPLAINT (L.R. 6-1(b), 6-2)  
 AND ORDER THEREON**

1 Pursuant to Local Rules 6-1(b) and 6-2, Plaintiffs Nick V. Lujan, James A. Charles, and  
2 Barbara C. Wright (collectively, “Plaintiffs”) and Defendants New York Life Insurance Company  
3 and New York Life Insurance and Annuity Corporation (collectively, “Defendants”) hereby  
4 respectfully stipulate and jointly request that the Court modify the briefing schedule as to  
5 Defendants’ planned motion to dismiss the Complaint filed by Plaintiffs.

6 RECITALS

7 1. Plaintiffs’ Complaint was originally filed in the Superior Court for the State of  
8 California for the County of Contra Costa, but was removed to this Court on February 24, 2016.  
9 Dkt. 1.

10 2. Defendants intend to move to dismiss Plaintiffs’ Complaint under Rule 12 of the  
11 Federal Rules of Civil Procedure. Defendants’ response to the Complaint would otherwise be due  
12 on March 2, 2016. Given the complexity of the issues raised by the Complaint and to be addressed  
13 in Defendants’ anticipated motion to dismiss, the parties agree that the below schedule for briefing  
14 and hearing on the motion is warranted.

15 3. There have not been any previous time modifications in the case.

16 4. This requested time modification does not impact on any other aspects of the  
17 schedule for the case, or any dates set by the Court.

18 5. Pursuant to the foregoing, Plaintiffs and Defendants hereby stipulate and agree to  
19 the following modification and request the Court’s approval of their stipulation to the proposed  
20 briefing schedule as follows:

<b>Event</b>	<b>Previous Date</b>	<b>Stipulated/Requested New Date</b>
Last day for Defendants to file a motion to dismiss the Complaint	3/2/16	3/22/16
Last day for Plaintiffs to file an opposition	n/a	4/05/16
Last day for Defendants to file a reply	n/a	4/15/16
Hearing on Defendants’ motion to dismiss the Complaint	n/a	4/29/16

1 DATED: February 26, 2016

DENTONS US LLP

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By:           /s/ Andrew S. Azarmi          

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Laura Leigh Geist

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Andrew S. Azarmi

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Attorneys for Defendants New York Life Insurance

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Company and New York Life Insurance and

8 DATED: February 26, 2016

BRAMSON, PLUTZIK, MAHLER &  
BIRKHAUSER LLP

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By:           /s/ Robert M. Bramson          

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Robert M. Bramson

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Attorneys for Plaintiffs Nick V. Lujan, James A.

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Charles, and Barbara C. Wright

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**CERTIFICATION**

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Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the indicated signatories to the document.

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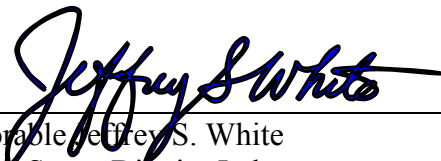
**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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Dated: ~~February~~ <sup>March 1</sup> \_\_, 2016

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Honorable Jeffrey S. White  
United States District Judge

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