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11 UNITED STATES DISTRICT COURT  
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE DIVISION

15 **MARY JIUYAN MA,**

16 Plaintiff,

17 v.

18 **STANDARD INSURANCE COMPANY, and**  
 19 **DOES ONE TO FIVE, inclusive,**

20 Defendants.

Case No. C05-03634-HRL

**STIPULATION AND ~~PROPOSED~~**  
**ORDER TO EXTEND TIME FOR**  
**DEFENDANT'S TO FILE INITIAL**  
**RESPONSIVE PLEADING**

22 WHEREAS, Defendant Standard Insurance Company ("Defendant") removed this matter  
 23 to federal court on September 9, 2005 thereby giving Defendant until September 16, 2005 to file  
 24 its initial responsive pleading;

25 WHEREAS, Defendant would like to discuss with Plaintiff Mary Jiuyan Ma ("Plaintiff")  
 26 the possibility of voluntarily filing an Amended Complaint to avoid the need for Defendant to file  
 27 a motion to dismiss based on ERISA preemption;

1 WHEREAS, the parties agree to an extension of time from September 16 to October 14  
2 for Defendant to file its initial responsive pleading or for Plaintiff to file an Amended Complaint;

3 WHEREAS, the agreed upon extension of time will not affect the January 10, 2006 Case  
4 Management Conference or any other deadline set by the Court, and good cause exists for  
5 entering an order extending the deadline for Defendant to file its initial responsive pleading;

6 **IT IS STIPULATED AND AGREED** by the parties to extend the time within which  
7 Defendant Standard Insurance Co. may plead or otherwise respond to the initial Complaint from  
8 September 16, 2005 to October 14, 2005.

9 **IT IS SO STIPULATED.**

10 DATED: September 15, 2005. ALTSCHUL LAW OFFICE, PC

11  
12 /s/ Andrew Altschul  
13 Andrew M. Altschul (#226008)  
14 Attorney for Defendant

15 DATED: September 14, 2005 LAW OFFICES OF DANNING JIANG

16 /s/ Danning Jiang  
17 Danning Jiang (#196985)  
18 Attorney for Plaintiff

19 **PURSUANT TO STIPLULATION, IT IS SO ORDERED.**

20  
21 DATED: September 16, 2005 By: /s/ Howard R. Lloyd  
22 HON. HOWARD R. LLOYD  
23 United States District Court Judge  
24 **Magistrate**