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**\*E-FILED - 4/30/09\***

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re CONSECO INSURANCE CO.  
ANNUITY MARKETING & SALES  
PRACTICES LITIG.

Case No. C-05-04726-RMW  
And Related Cases

CLASS ACTION

This Case Relates To:  
  
ALL ACTIONS.

**STIPULATION AND ORDER  
[] FOR SCHEDULING CLASS  
CERTIFICATION ISSUES**

**STIPULATION**

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3           Whereas, the Court previously entered an order, setting a hearing on class  
4 certification for May 8, 2008;

5  
6           Whereas, the Parties hereto have in good faith explored the possibility of  
7 settlement of this lawsuit, have submitted the case to mediation, and are likely to  
8 return to mediation; and

9  
10           Whereas, the Parties delayed discovery on class certification issues while  
11 exploring settlement possibilities and request a postponement in the class  
12 certification hearing to enable them to complete class certification discovery.

13  
14           Now, therefore, Plaintiff and all Defendants hereby stipulate and agree to  
15 the following extension of time and scheduling relating to class certification:

- 16           1.     All class certification discovery shall be completed on or before July  
17 1, 2009;
- 18           2.     Plaintiff shall file his Motion for Class Certification and all  
19 supporting documents on or before August 15, 2009;
- 20           3.     Defendants shall file their response on or before September 30,  
21 2009;
- 22           4.     Plaintiff shall file his reply on or before October 21, 2009.

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24           The parties hereby request a hearing on Plaintiff's Motion for Class  
25 Certification to be scheduled by the Court at such time after October 21, 2009, as  
26  
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1  
2 determined by the Court.

3  
4 DATED: March 23, 2009.

5  
6 s/ Phong L. Tran  
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8 ROBBINS LLP  
9 Co-Lead Attorneys for Plaintiff  
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11 s/ Stephen R. Basser  
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19 (619) 230-0800

18 **ORDER [PROPOSED]**

19 The Court having considered the above stipulation and good cause appearing,

20 IT IS HEREBY ORDERED that the parties shall comply with the schedule set forth  
21 above.

22 IT IS FURTHER ORDERED that the hearing on Plaintiff's Motion for Class  
23 Certification shall be scheduled for October 23, 2009, at 9:00 in Courtroom 6 of this  
24 Court.

25 DATED: 4/30, 2009

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27 Ronald M. Whyte  
28 United States District Court Judge

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**CERTIFICATE OF SERVICE**

I, Allison M. Roadruck, declare: I am employed in the City of Chicago, Illinois, County of Cook. I am over the age of 18 years and not a party to the within action. My business address is 130 E. Randolph Drive, Chicago, Illinois 60601; and that on March 23, 2009 I served the following:

**STIPULATION**

to the parties listed on the attached Service List by the following means of service:

- (BY E-MAIL) I e-mailed a true copy addressed as indicated in the attached Service List, on the above-mentioned date.
- (BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Service List.
- (BY U.S. MAIL) I placed such sealed envelope, with postage thereon fully prepaid for first-class mail, for collection and mailing at BAKER & McKENZIE, Chicago, Illinois, following ordinary business practices. I am readily familiar with the practice of BAKER & McKENZIE for collection and processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for collection.

I declare under penalty of perjury under the law that the foregoing is true and correct. Executed in Chicago, Illinois, on March 23, 2009.

s/ Allison M. Roadruck  
\_\_\_\_\_  
Allison M. Roadruck

1  
2  
3 **CONSECO SERVICE LIST**

4 Notice has been electronically mailed to the following:

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6 Howard D. Finkelstein [hdf@class-action-law.com](mailto:hdf@class-action-law.com)  
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17 Steven M. Jodlowski [sjodlowski@csgrr.com](mailto:sjodlowski@csgrr.com)

18 Notice has been delivered by U.S. mail to the following:

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20 Patricia N. Syverson  
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