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**\*E-FILED - 2/2/10\***

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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, RECOMMENDATION OF  
MEDIATOR, AND ORDER [ XXXXXXXX  
FOR SCHEDULING CLASS  
CERTIFICATION ISSUES**

**STIPULATION**

Whereas, the Court previously entered an order, setting a hearing on class certification for June 18, 2010;

Whereas, the Parties hereto have in good faith explored the possibility of

1  
2 settlement of this lawsuit, have submitted the case to mediation, and are  
3  
4 scheduled to return to mediation on February 25, 2010, and, if need be, again on  
5  
6 March 11, 2010.

7  
8 Now, therefore, Plaintiff and all Defendants hereby stipulate and agree to  
9  
10 the following relating to class certification:

11  
12 1. The current schedule relating to class certification shall be vacated  
13  
14 in its entirety in order to allow the Parties time to complete mediation.

15  
16 2. The Parties request the Court to set a status conference on a date  
17  
18 after March 11, 2010 to discuss the status of settlement discussions and, if need  
19  
20 be, the entry of a schedule for class certification;

21  
22 3. The Parties specifically authorize the Court to discuss this case and  
23  
24 the status of mediation with the mediator selected by the Parties, Hon. Edward A.  
25  
26 Infante (ret.).

27  
28 DATED: \_\_\_\_\_

23 s/ Theodore J. Pinter  
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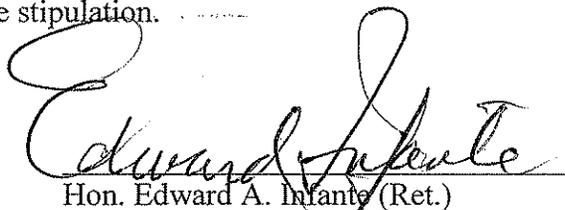
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**MEDIATOR'S RECOMMENDATION**

I, EDWARD A. INFANTE, whom the Parties have requested to serve as mediator in an effort to facilitate a resolution of the above-entitled action, have reviewed the above stipulation, believe that the Parties are attempting in good faith to resolve all issues in this case, and recommend that the Court approve the stipulation.

Dated: 1-7-10

  
Hon. Edward A. Infante (Ret.)

**ORDER** | XXXXXXXXXXXX

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

IT IS HEREBY ORDERED that a status conference will be held in courtroom 6 of this Court on March 12,, 2010 at 10:30 a.m. (a.m.) (p.m.).

DATED: 2/2, 2010

  
Ronald M. Whyte  
United States District Court Judge